UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE: APPLE INC. SMARTPHONE ANTITRUST LITIGATION

This Document Relates to: All Direct Purchaser Plaintiff Actions Case No. 24-MD-3113 (JXN-LDW)

DECLARATION OF JOSEPH J. DEPALMA

JOSEPH J. DEPALMA, ESQ., of full age, hereby declares under the penalty of perjury as follows:

- 1. I am an attorney licensed to practice in New Jersey and the Managing Member of Lite DePalma Greenberg & Afanador, LLC, and counsel for Plaintiff in *Polly v. Apple Inc.*, Case No. 2:24-cv-07849 (D.N.J.) (JXN-LDW) (D.N.J.). I make this declaration in support of Hausfeld LLP's & Susman Godfrey LLP's Motion to Appoint Interim Class Counsel for the Direct Purchaser Plaintiffs in the above-captioned matter.
- 2. Attached as Exhibit A to this declaration is the Proposed Billing Protocol, as required by this Court's Case Management Order. (ECF No. 7.)
- 3. Attached as Exhibit B to this declaration is the Hausfeld LLP List of Leadership Appointments, as required by this Court's Case Management Order.

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4. Attached as Exhibit C to this declaration is the Hausfeld LLP Firm

Resume and Biographies.

5. Attached as Exhibit D to this declaration is the Susman Godfrey LLP

List of Leadership Appointments, as required by this Court's Case Management

Order.

6. Attached as Exhibit E to this declaration is the Susman Godfrey LLP

Firm Resume and Biographies.

7. Attached as Exhibit F to this declaration is the Lite DePalma Greenberg

& Afanador, LLC Firm Resume and Biographies.

8. Attached as Exhibit G to this declaration is the Critchley, Kinum &

Luria, LLC Firm Resume and Biographies.

I hereby declare under the penalty of perjury that the foregoing is true and

correct.

Dated: August 8, 2024

/s/ Joseph J. DePalma

Joseph J. DePalma

Exhibit A

[Proposed] Time and Expense Billing Protocol

The Court's first Case Management Order, CMO No. 1, required Plaintiffs' counsel to "[d]escribe what procedures will be used to monitor billing, control costs, and avoid duplication of efforts of counsel and the process for assignment and monitoring of work." To that end, in order for counsel working on the case to be considered as part of any future fee distribution, all time and expenses submitted must adhere to the instructions and guidelines set forth below. Only those attorneys or law firms approved by lead counsel to work on the case will be eligible to be included on any future fee distribution. The provisions below apply to the time and expenses of Interim Co-Lead Counsel too.

Overall Policies and Guidelines:

- 1. **All time and expenses must be authorized**. Interim Co-Lead counsel will only seek fees or reimbursement of expenses for functions or expenses authorized in advance by Interim Co-Lead Counsel. If you have any doubts about whether your time has been authorized, please reach out to Co-Lead Counsel for clarification.
- 2. **Avoid over-staffing and over-billing**. Attorneys assigned to work on projects must have an appropriate level of experience suitable for the task. Partners should not bill substantial time better-suited for associates, and associates should not bill substantial time for work better suited for paralegals.
- 3. **Review of filings and emails.** Read and review time should not be billed, except to the extent it is necessary to perform a specific assignment from Interim Co-Lead Counsel. Unnecessary appearances at hearings or depositions also shall not be billed.
- 4. **Descriptive entries.** When describing the work being performed be specific and descriptive. For example, instead of writing "review order," provide more details specifying the subject or date of those documents; use action words to describe the work you did.

Time:

1. Each firm must submit summary time reports to

- applebilling@hausfeld.com on a monthly basis, using a uniform form to be provided by Interim Co-Lead Counsel.
- 2. Computer generated time reports substantiating the information set forth in the monthly time reports shall be maintained by each firm, and shall be submitted when requested by Interim Co-Lead Counsel.
- 3. Monthly time reports must be submitted by the 15th of the following month.
- 4. All time must be recorded contemporaneously.
- 5. All time must be recorded in tenths of an hour.
- 6. All time descriptions must be detailed, and must break out the time for each discrete task. In other words, block billing is not allowed.
- 7. Hourly billing rates must be reasonable, and must be the same hourly rate normally charged by that timekeeper for similar work for clients who pay by the hour, or, if the firm works only or primarily on contingent matters, the hourly rate must be the rate previously approved by a court as part of a fee petition (including when such rates are submitted as part of a lodestar cross-check) or be reasonable compared to comparable hourly rate for lawyers in your field with comparable experience for comparable tasks.
- 8. Time spent recording or monitoring your time should not be included.
- 9. Time devoted to internal filing or other ministerial tasks should not be included.
- 10. If you choose to employ contract attorneys to work on this case, you must report the hourly rate you pay those attorneys together with the hourly rate you are billing for their time.
- 11. No time entries should exceed 9 hours a day, unless the attorney is preparing for and/or participating in a deposition, a hearing, trial, a discovery deadline, or some other exigency that requires it.
- 12. For attorneys assigned to document review, no daily entry should exceed 7.5 hours.
- 13. The hourly rate for document review will be capped at \$450.

14. Work performed prior to the appointment of lead counsel will be considered on a good faith basis at the time of a fee application by co-lead counsel to the extent it benefitted the class. This includes work with experts as part of an investigation in this case, or development of any research memoranda related to work in this case.

Expenses:

- 1. Each firm must submit summary expense reports to applebilling@hausfeld.com on a monthly basis. Actual invoices substantiating the information set forth in the monthly expense reports shall be maintained by each firm, but shall only be submitted if and when requested by Interim Co-Lead Counsel.
- 2. Monthly expense reports must be submitted by the 15th of the following month.
- 3. All expenses must be reasonable in amount and related to an assigned task.
- 4. All expenses must be supported by documentation.
- 5. First or business class air fare is not permitted for domestic flights unless pre-approved by Interim Co-Lead Counsel.
- 6. Counsel shall stay in accommodations that do not exceed the cost of standard business-class hotels in the city in which the stay occurs.
- 7. No dinner may exceed \$50.00 per person; for other meals, the limit is \$45.00.
- 8. Incidentals (hotel mini-bar, laundry, movies, etc.) are not to be charged to the case.
- 9. General overhead expenses must be excluded.
- 10. Internal copying shall not exceed \$.20 per page.

Exhibit B

HAUSFELD SELECTED LEADERSHIP POSITIONS



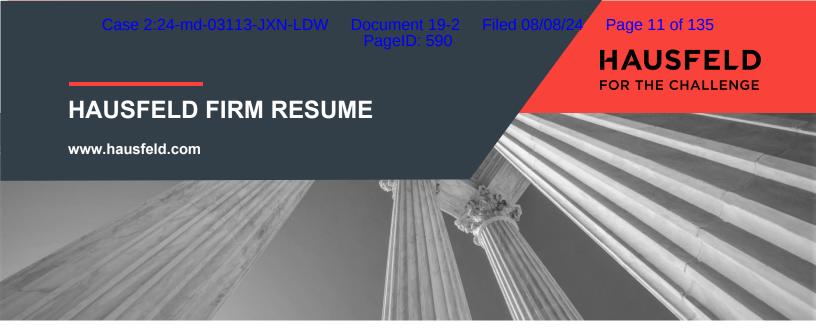
Anthony Dale et al. v. Deutsche Telekom AG et al. Co-Lead Counsel Co-Lead Counsel Co-Lead Counsel District Council 16 Northern California Health and Welfare Trust Fund v. Sutter Health et al In re Broiler Chicken Growers Antitrust Litigation In re Da Vinci Surgical Robot Antitrust Litigation In re Dental Supplies Antitrust Litigation In re HIV Antitrust Litigation In re Packaged Seafood Antitrust Litigation In re Rail Freight Fuel Surcharge Antitrust Litigation (Nos. I & II) In re Thalomid and Revlimid Antitrust Litigation In re Transpacific Passenger Air Transport Antitrust Litigation In re: Bard IVC Filters Products Liability Litigation Carla Hajek and Gregory Hammerlund v. Datacomp Appraisal Systems Inc., et al. v. Scientific Games Corp. et al. In re Blue Cross Blue Shield Antitrust Litigation Plaintiffs' Steering Committee In re Blue Cross Blue Shield Antitrust Litigation Plaintiffs' Steering Committee
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In re Blue Cross Blue Shield Antitrust Litigation Plaintiffs' Steering Committee
In re Blue Cross Blue Shield Antitrust Litigation (Appeal) Settlement Monitoring Committee
In re Diisocyanates Antitrust Litigation Co-Lead Counsel
In re Local TV Advertising Litigation Lead Counsel
In re: Marriott International, Inc. Customer Data Security Breach Litigation Plaintiffs' Steering Committee
In re Zymar and Zymaxid Litigation Co-Lead Counsel
In re Google Play Store Developer Antitrust Litigation Co-Lead Counsel
In re American Express Anti Steering Rules Litigation Lead Counsel
In re Blue Cross Blue Shield Antitrust Litigation Co-Lead Counsel
In re Domestic Airline Travel Antitrust Litigation Co-Lead Counsel
In re Foreign Exchange Benchmark Rates Antitrust Litigation Co-Lead Counsel
In re LIBOR-Based Financial Instruments Antitrust Litigation Co-Lead Counsel
In re Vitamin C Antitrust Litigation Co-Lead Counsel
In re Volkswagen "Clear Diesel" Marketing, Sales Practices, and Products Plaintiffs' Steering Committee
Liab. Litig
In re Disposable Contact Lens Antitrust Litigation Co-Lead Counsel
In re Salmon Price Fixing Litigation Co-Lead Counsel
In re NFL Sunday Ticket Antitrust Litigation Co-Lead Counsel
MTB Investment Partners, LP v. Siemens Hearing Instruments, Inc. Lead Counsel
In re Air Cargo Shipping Services Antitrust Litig. Co-lead Counsel
In re Automotive Aftermarket Lighting Products Antitrust Litig. Co-lead Counsel

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In re Chocolate Confectionary Antitrust Litig	Co-lead Counsel
In re Fresh and Process Potatoes Antitrust Litig	Settlement Class Counsel
	Chair, Executive Committee
In re Korean Ramen Antitrust Litig	Lead Counsel for Direct Purchasers
In re Municipal Derivatives Antitrust Litig	Co-lead Counsel
In re NCAA Student-Athlete Name & Likeness Licensing Litig	Lead Counsel for Antitrust Claims
In re Processed Egg Products Antitrust Litig	Co-lead Counsel
In re Vitamin C Antitrust Litig	Co-lead Counsel
In re National Football League Players' Concussion Injury Litig.	Executive Committee
James v. UMG Recordings, Inc.	Co-lead Counsel
Sister Sledge v. Warner Music Group	Co-lead Counsel

Exhibit C



About Hausfeld

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier of private enforcement of antitrust/competition law in both the United States and the United Kingdom by *The Legal 500* and *Chambers and Partners*. Our German office is also ranked by *The Legal 500* for general competition law.

From our locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Brussels, Düsseldorf, Hamburg, Stockholm, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of Antitrust/Competition, Commercial and Financial Disputes, Environmental and Product Liability, Human Rights, and Technology and Data Breach. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. *The New York Times* has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while Washingtonian characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

Antitrust and competition litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is wellearned. Having prosecuted more than 50 antitrust class actions, Hausfeld attorneys are prepared to litigate and manage cases with dozens of defendants (In re Blue Cross Blue Shield Antitrust Litigation, with more than thirty defendants, and In re National Football League's "Sunday Ticket" Antitrust Litigation's \$4.7 billion trial victory), negotiate favorable settlements for class members and clients (In re Air Cargo Shipping Services Antitrust Litigation, settlements of more than \$1.2 billion, and In re Blue Cross Blue Shield Antitrust Litigation, \$2.67 billion settlement), take on the financial services industry (In re Foreign Exchange Antitrust Litigation, with settlements of more than \$2.3 billion), take cartelists to trial (In re Vitamin C Antitrust *Litigation*, trial victory of \$162 million against Chinese manufacturers of Vitamin C), and push legal boundaries where others have not (O'Bannon v. NCAA, another trial victory in which the court found that NCAA rules prohibiting additional scholarship payments to players as part of the recruiting process are unlawful).



Hausfeld is 'the world's leading antitrust litigation firm.'

Politico

HAUSFELD

FOR THE CHALLENGE

Hausfeld: A global reach

Hausfeld's international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. The firm's innovative cross border solutions work to the benefit of the multinational companies it often represents.

Creative solutions to complex legal challenges

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm's litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld's impact was recognized by the Financial Times, which honored Hausfeld's European team with the "Innovation in Legal Expertise - Dispute Resolution," award, which was followed up by FT commending Hausfeld's North American team for its innovative work in the same category. In addition, The Legal 500 has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hoses was the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation—creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

Unmatched global resources

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 170 lawyers in offices in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Düsseldorf, Hamburg, Brussels, Stockholm, and London, Hausfeld is a "market leader for claimant-side competition litigation" (*The Legal 500*).



A prominent litigation firm, renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues including monopolization, price manipulation and price fixing.

Chambers and Partners



Hausfeld, which 'commits extensive resources to the most difficult cases,' widely hails as one of the few market-leading plaintiff firms.

The Legal 500



Primarily in the antitrust capacity, Hausfeld is an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V".

Benchmark Litigation

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Antitrust litigation

Hausfeld's antitrust litigation experience is unparalleled

Few, if any, U.S. law firms are litigating more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation, and has experience across a wide variety of industries, including automotive, aviation, energy, financial services, food & beverage, healthcare, manufacturing, retail, and the transportation and logistics sectors. Clients rely on us for our antitrust expertise and our history of success in the courtroom, and at the negotiation table; the firm does not shy away from challenges, taking on some of the most storied institutions.



Hausfeld, 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement,' is [w]idely recognized as a market leader for claimant-side competition litigation... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.

The Legal 500

Hausfeld is not only trusted by its clients but also by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in dozens of antitrust cases in the last decade. In one example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having "the breadth of experience, resources and talent necessary to navigate" cases of import.

Recognizing the firm's antitrust prowess, *Global Competition Review* has opined that Hausfeld is "one of—if not the— top Plaintiffs' antitrust firm in the U.S."

The Legal 500 and Chambers and Partners likewise consistently rank Hausfeld among the top five firms in the United States for antitrust litigation on behalf of plaintiffs.

Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world's most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- In re National Football League's "Sunday Ticket" Antitrust Litigation No. 15-02668-PSG (C.D. Cal.) Hausfeld served as co-lead class counsel and trial counsel in the NFL "Sunday Ticket" \$4.7 billion trial victory. Hausfeld, along with co-counsel, represented purchasers of DirecTV's Sunday Ticket who alleged that the NFL, the NFL teams, and DirecTV (in coordination with the broadcast networks) suppressed the availability of out-ofmarket telecasts of NFL games through a series of interlocking agreements that made these games available only through a single product ("Sunday Ticket") offered by just one satellite television provider, DirecTV. Through this arrangement, the NFL and its co-conspirators inflated the price of Sunday Ticket and protected the networks from competition. In 2023, the court certified two classes of Sunday Ticket purchasers: commercial businesses and individuals. In early 2024, the court denied summary judgment. And in June 2024, after nine years and a month-long trial, Hausfeld and their co-counsel achieved a \$4.7 billion jury verdict. Following trial, the NFL filed a motion for judgment as a matter of law, which Judge Gutierrez granted and which will be the subject of a second appeal in this matter.
- In re Blue Cross Blue Shield Antitrust Litig., No. 13-mdl-2496 (N.D. Ala.)

The Court appointed Hausfeld attorneys as co-lead counsel, and to the Plaintiffs' Steering Committee, in this case against Blue Cross Blue Shield entities.

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HAUSFELD

FOR THE CHALLENGE

This case was brought against over 30 Blue Cross companies and its trade association (BCBSA) and alleges that they illegally agreed not to compete with each other for health insurance subscribers across the United States. After defeating motions to dismiss, Hausfeld marshalled evidence from a record that consisted of over 14 million documents from more than thirty defendants and won a landmark ruling when the district court ruled that the per se standard would be applied to defendants' conduct. In August 2022, the Court granted approval to the proposed Settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for \$2.67 billion. In addition to monetary relief, the settlement includes systemic injunctive relief that will change the landscape for competition in healthcare. The settlement is the largest antitrust settlement in a case where the government had not itself prosecuted, investigated, or been part of the case at all.

- In re Foreign Exchange Benchmark Rates
 Antitrust Litig., 13-cv-7789 (S.D.N.Y.)
 Hausfeld served as co-lead counsel in this case
 alleging financial institutions participated in a
 conspiracy to manipulate a key benchmark in the
 foreign exchange market. To date, the firm has
 obtained over \$2.3 billion in settlements from
 fifteen defendants.
- In re LIBOR-Based Financial Instruments
 Antitrust Litig., No. 11-md-2262 (S.D.N.Y.)
 Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained \$781 million in settlements with twelve defendants. An antitrust class has been certified and the case is ongoing against the remaining five defendants.
- In re International Air Passenger Surcharge
 Antitrust Litig., No. 06-md-01793 (N.D. Cal.)
 Hausfeld served as co-lead counsel in this case
 against two international airlines alleged to have
 fixed fuel surcharges on flights between the United
 States and United Kingdom. Lawyers at the firm
 negotiated a ground-breaking \$200 million

international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.

 In re Municipal Derivatives Antitrust Litig., No. 08- cv-2516 (S.D.N.Y.)

Hausfeld served as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm obtained over **\$200 million** in settlements with more than ten defendants.

 In re Processed Egg Products Antitrust Litig., No. 08-md-2002 (E.D. Pa.)

Hausfeld served as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. The firm obtained over \$135 million in settlements, won certification of a class of shell egg purchasers, and tried the case against the remaining defendants.

- In re Dental Supplies Antitrust Litig., No. 1:16-cv-00696 (E.D.N.Y.) Hausfeld served as co-lead counsel in this litigation in which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. In 2019 the private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for \$80 million.
- In re Broiler Chicken Grower Antitrust Litigation
 (No. II), MDL No. 6:20-2977-RJS-CMR (E.D. Olka.)
 Hausfeld is co-lead counsel on behalf of a certified
 class of broiler chicken growers, alleging that poultry
 companies formed a nationwide conspiracy to
 suppress and maintain broiler chicken growers'

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compensation below competitive levels. By January 2023, the firm reached settlements totaling **\$69 million** with four of the five Defendants – Tyson, Perdue, Koch, and Sanderson. In May 2024, the judge granted a motion to certify a class of over 20,000 chicken farmers seeking \$750 million in damages against Pilgrim's Pride, the sole remaining non-settling defendant. Hausfeld originally developed the case through independent research into anomalous economic activity in the broiler market.

 In re Domestic Airline Travel Antitrust Litig., No. 15-1404 (CKK) (D.D.C.)

Hausfeld serves as co-lead counsel for a proposed class of domestic air passengers that collectively allege the defendants, the four major U.S. passenger air carriers —United, American, Delta, and Southwest — conspired to fix domestic airfares by colluding to limit their respective capacity. The passengers allege that Defendants, in which a common set of investors owned significant shares during the conspiracy period, carried out the conspiracy through repeated assurances to each other on earnings calls and other statements that they each were engaging in "capacity discipline". In October 2016, the court denied defendants' motion to dismiss. Since that time, the firm has obtained \$60 million in settlements with American and Southwest. The litigation against United and Delta is ongoing.

- In re Automotive Aftermarket Lighting Products
 Antitrust Litig., No. 09-ML-2007 (C.D. Cal.)
 Hausfeld served as co-lead counsel in this case
 against three manufacturers for participating in an
 international conspiracy to fix the prices of
 aftermarket automotive lighting products. The firm
 obtained over \$50 million in settlements.
- O'Bannon v. NCAA, No. 09-cv-03329 (N.D. Cal.) In the landmark O'Bannon litigation, Hausfeld represented college athletes who collectively alleged that the NCAA, its members, and its commercial partners, violated federal antitrust law by unlawfully foreclosing former players from receiving any compensation related to the use of their names,

images, and likenesses in television broadcasts, rebroadcasts, and videogames. In 2013, the plaintiffs announced a \$40 million settlement agreement with defendant Electronic Arts, Inc., which left the NCAA as the remaining defendant. Following trial in 2014, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction. The Ninth Circuit affirmed the NCAA's violation of the antitrust laws and upheld significant injunctive relief—the practical effect of which is that college athletes can now each receive up to \$5,000 more every year as part of their scholarship package (to cover their education, travel and medical expenses, and acquire preprofessional training as they enter the work force).

Litigation achievements

Significant trial victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in O'Bannon v. NCAA (N.D. Cal.), we conducted a three-week bench trial before the chief judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the O'Bannon litigation followed the successful trial efforts in Law v. NCAA (D.Kan.), a case challenging earning restrictions imposed on assistant college coaches in which the jury awarded \$67 million to the class plaintiffs that one of our lawyers represented.

In *In re National Football League's "Sunday Ticket"*Antitrust Litigation (C.D. Cal.), Hausfeld served as colead counsel and trial counsel on behalf of residential and commercial subscriber plaintiffs alleging that the National Football League and its teams violated the antitrust laws through media-rights agreements that suppressed the output of, and raised the price for, out-of-market game telecasts. At the conclusion of a four-week trial, the jury returned a verdict for the plaintiffs and

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awarded **\$4.7 billion** in damages, the largest antitrust jury verdict ever.

In In re Vitamin C Antitrust Litigation (E.D.N.Y.), we obtained, on behalf of our direct purchaser clients, a \$148 million jury verdict and judgment against Chinese pharmaceutical companies that fixed prices and controlled export output of Vitamin C-on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in In re Vitamins (D.D.C.), in which we secured a \$1.1 billion settlement for a class of vitamin purchasers and then took the remaining defendants to trial. Although the verdict was reversed following remand to the Second Circuit Court of Appeals by the Supreme Court on the issue of comity, the case demonstrates Hausfeld's trial expertise.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.), the jury returned a \$25 million verdict for our client. After the defendants appealed and prior to a new trial, the parties settled.

Exceptional settlement results

Over the past decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, a selection of cases merit special mention.

On August 9, 2022, the Court granted approval to the proposed settlement agreement in *In re Blue Cross Blue Shield Antitrust Litigation* (M.D. Ala.), resolving the claims of Blue Cross Blue Shield subscribers represented by Hausfeld for \$2.67 billion. In addition to monetary relief, the settlement includes systemic

injunctive relief that will change the landscape for competition in healthcare.

In the high profile *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.), we negotiated settlements totaling more than \$2.3 billion with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market.

In another case involving allegations of price-fixing among the world's largest airfreight carriers, *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial.

In the ongoing *In re LIBOR-Based Financial Instruments Antitrust Litigation* (S.D.N.Y.) case, we have secured \$781 million in settlements with twelve banks, and the case continues against the remaining five defendant banks

Hausfeld served as class counsel in *Hale v. State Farm Mutual Automobile Insurance Co.* (S.D.III.). This case involved allegations that State Farm worked to help elect an Illinois state supreme court justice in order to overturn a billion-dollar judgment against it. On the day opening statements were to be delivered to the jury, State Farm agreed to settle for \$250 million.

In the global **Marine Hose matter**, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases.

As co-lead counsel for a class of app developers in *In re Google Play Store Antitrust Litigation* (N.D. Cal.), on November 18, 2022, Hausfeld secured preliminary approval for a \$90 million settlement in groundbreaking antitrust class action against Google. The settlement resolves claims against Google regarding its alleged anticompetitive conduct and unlawful practices related to the Google Play Store, including Google's requirement that app developers pay a 30% fee to Google on revenue earned from paid apps and in-app products. The settlement was reached on behalf of app developers

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with \$2 million or less in annual sales, which includes nearly all U.S. developers earning revenue in the Google Play Store. In addition to paying \$90 million in monetary relief directly to developers, Google has acknowledged that the litigation was a catalyst for its 2021 launch of a program where developers pay a reduced 15% service fee on their first \$1 million in annual revenues and agreed to maintain that reduced fee tier for at least three more years. Google has also committed to a series of structural reforms, including developing an "Indie Apps Corner" on the homepage of the Google Play Store and publishing an annual transparency report.

In the In re Disposable Contact Lens Antitrust Litigation case, Hausfeld serves as one of the three colead counsel for a nationwide class of consumers alleging horizontal and vertical conspiracies by the four leading contact lens manufacturers and their primary distributor to impose minimum resale price maintenance policies called "unilateral pricing policies." or "UPPs." case. On June 16, 2016, the court overseeing the litigation denied the defendants' motion to dismiss; on December 4, 2018, the court certified litigation classes of consumers who purchased contact lenses subject to UPPs: and on November 27, 2019, the Court denied the defendants' four motions for summary judgment The plaintiffs have prevailed at every turn. On June 16, 2016, the court denied the defendants' motion to dismiss, on December 4, 2018, the court granted class certification, and on November 27, 2019, the court denied the defendants' motions for summary judgment. Settlements were reached with all five defendants prior to the scheduled trial in March 2022, totaling over \$117 million: CVI (\$2 million), B&L (\$10 million), ABB (\$30.2 million), Alcon (\$20 million) and JJVC (\$55 million).

These cases are just a few among dozens of landmark settlements across our practice areas.

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Reputation and leadership in the antitrust bar

Court commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.



This has just been an absolute gem of an experience from the standpoint of having the opportunity to have just great lawyers fighting over something that's really important and significant.

- District Judge R. David Proctor

In re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) (granting preliminary approval of settlement in case where Hausfeld serves as co-lead counsel.)



All class actions generally are more complex than routine actions... But this one is a doozy. This case is now, I guess, nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage.

- Judge Brian M. Cogan

In re Air Cargo Shipping Services Antitrust Litigation, No. 06-md-1775 (E.D.N.Y.)



The class is represented by what I would describe as an all-star group of litigators...

- District Judge David R. Herdon

Hale v. State Farm, No. 12-cv-00660-DRH-SCW (S.D. III.)



Hausfeld lawyers achieved 'really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case.' Hausfeld lawyers are 'more than competent. They are outstanding.'

- Judge Charles R. Breyer

In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.) (approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws, and U.K. purchasers under U.K. competition laws.)



Hausfeld has 'the breadth of experience, resources and talent necessary to navigate a case of this import.' Hausfeld 'stands out from the rest.'

- District Judge Morrison C. England Jr. Four In One v. SK Foods, No. 08-cv-3017 (E.D. Cal.)



Comparing Hausfeld's work through trial to *Game of Thrones*: 'where individuals with seemingly long odds overcome unthinkable challenges... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...'

Magistrate Judge Nathanael M. Cousins
 O'Bannon v. Nat'l College Athletic Ass'n, No. 09-cv-3329
 (N.D. Cal.)

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Awards and recognitions



The Legal 500

In 2024, for the 15th consecutive year, Hausfeld was ranked in the top tier nationally for firms in antitrust civil litigation and class actions by *The Legal 500*. As one of only five firms in this top tier, the publication notes that, "Hausfeld LLP has a successful record in high-stakes cases, acting for a broad client base of public and private companies, purchaser classes, and individual plaintiffs," and, as "one of the top plaintiffs' antitrust firms in the country," "the firm has a great deal of experience in handling class actions and individual cases asserting claims in the US and abroad." The publication also previously stated that:

Hausfeld is "top-notch in all respects and particularly expert in everything about antitrust law."

Hausfeld lawyers are, "pragmatic, smart and focused litigation experts," and the firm is "at the top of its game," with "a number of heavyweight practitioners."

"DC firm Hausfeld LLP remains top-notch in antitrust litigation... Hausfeld LLP is one of the most capable plaintiffs firms involved in the area of civil cartel enforcement, and is handling some of the major cartel-related cases..."

Hausfeld is a "market transformer," the "most innovative firm with respect to antitrust damages," is "[d]riven by excellence," "anticipates the evolving needs of clients," and delivers "outstanding advice not only in legal terms but also with a true entrepreneurial touch. . ."

Described by a client as 'very tenacious and appropriately aggressive, with great client relations skills', Hausfeld LLP enjoys a stellar reputation in the antitrust space and is regularly praised for its European and global plaintiff-side antitrust practice alongside its work in the US.

Concurrences



In 2020, the Hausfeld *Competition Bulletin* article titled, "Data Exploiting as an Abuse of Dominance: The German Facebook Decision," authored by Hausfeld lawyer Thomas Höppner, was awarded *Concurrences*' 2020 Writing Award in its Unilateral Conduct (Business) category.

In 2018, an article authored by Hausfeld lawyer Scott Martin, joined by co-authors Brian Henry and Michaela Spero, was awarded *Concurrences*' 2018 Writing Award for Private Enforcement (Business) Category. The article, "Cartel Damage Recovery: A Roadmap for In-House Counsel," was originally published in Antitrust Magazine.

In 2017, Hausfeld's *Competition Bulletin* was selected to be ranked among the top antitrust firms distributing newsletters and bulletins. Hausfeld is the only Plaintiffs' firm to be ranked, and we secured the number one spot for Private Enforcement Newsletters.

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In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin won the *Concurrences*' 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, "Antitrust Class Proceedings—Then and Now," Research in Law and Economics, Vol. 26, 2014.



Benchmark Litigation

In 2023, for the fifth consecutive year, *Benchmark Litigation* highlighted Hausfeld as a leader in the domain of dispute resolution, recognizing the firm at the national level, as well as regionally on both coasts.

Hausfeld was ranked by *Benchmark* for Antitrust/Competition Nationwide, and is one of only a small handful of plaintiff-side firms on the list. Hausfeld was also honored as a 'Recommended Top Plaintiff Firm' Nationwide, and described by the publication as "an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'." A peer on the defense side commented "many firms try to do what they do, but Hausfeld is one of the only ones that gets it right and one of the ones we take the most seriously." Further to Hausfeld's national recognitions, *Benchmark* recognized several individuals in the firm's San Francisco and Washington, DC offices.



2023 Antitrust Report

In 2023, for a fifth consecutive year, Hausfeld has been recognized as one of the leading claimant firms for recovery in antitrust litigation in the US. In the 2022 Antitrust Annual Report, published by the Center for Litigation and Courts | UC Law SF and The Huntington National Bank. Hausfeld has been recognized as the top firm out of the 25 analyzed, having recovered 121 settlements, totaling over \$5.54 billion, 2009-2022.



Who's Who Legal

In 2022, *Who's Who Legal* honored 14 Hausfeld partners - more than any other firm - among the world's top 106 competition claimant lawyers. These practitioners are renowned for their experience and expertise in competition or antitrust matters before the highest courts in the UK, EU and USA.

In 2019, *Who's Who Legal* honored Hausfeld as the 'Competition Plaintiff Firm of the Year,' noting that the firm is, "a giant in the competition plaintiff field that once again demonstrates the strength and depth of its expertise..."

In 2018, the publication recognized the firm as "[a] powerhouse in the plaintiffs' litigation field, with particularly deep capability in competition matters," highlighting "nine outstanding litigators."



Financial Times

In 2023, the *Financial Times* shortlisted two Hausfeld cases for the 2023 FT Innovative Lawyers Awards North America Awards in the categories 'Innovation Lawyers in Cyber Security & Data Protection' for *In re: T-Mobile Customer Data*



Security Breach Litigation and 'Innovative Lawyers in Technology' for *In re Google Play Developer Antitrust Litigation*.

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In 2019, the *Financial Times* named Hausfeld one of the 25 'Most Innovative Law Firms: Overall' in North America. Notably, Hausfeld was the only plaintiffs' firm to make the list. In 2018, the *Financial Times*' Innovative Lawyers Report honored Hausfeld with the 'Innovation in Legal Expertise - Dispute Resolution' award for the firm's work with Dutch transportation insurer TVM. The *Financial Times* followed up this award by commending Hausfeld in its 2018 North America Innovative Lawyers Report for its representation of plaintiffs in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*. Hausfeld is proud to be the only plaintiffs' firm to have received recognition in the category of 'dispute resolution' for 2018 on both sides of the Atlantic.

In 2016, the *Financial Times* named Hausfeld as a top innovative law firm. Writing about Hausfeld's innovation in the legal market, the *Financial Times* noted: "The firm has taken the litigation finance model to Germany, to turn company inhouse legal departments into profit centres."

In 2015, Michael Hausfeld was recognized by the *Financial Times* as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the *Financial Times* Innovative Lawyer Dispute Resolution Award. The FT stated that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."



In 2022, Hausfeld was the only firm awarded the honor of best law firm in the 'Antitrust Law' category by *U.S. News and Best Lawyers* in its 2023 Best Law Firms edition.

In 2021, Hausfeld was the only firm awarded the honor of best law firm in the 'Litigation – Antitrust' category by *U.S. News and Best Lawyers* in its 2022 Best Law Firms edition.

Global Competition Review

In 2023, Hausfeld won Global Competition Review's award for the "Litigation of the Year – Non-Cartel Prosecution" in recognition of the firm's work on *In re Google Play Developer Antitrust Litigation*. In one of the most high-profile private litigation settlements of 2022, Google agreed to pay \$90 million to approximately 48,000 Android app developers that earned less than \$2 million in annual revenue from its Google Play Store.

In 2021, the firm won *Global Competition Review*'s award for "Litigation of the Year – Cartel Prosecution" in recognition of the firm's work on *In re Blue Cross Blue Shield Antitrust Litigation*. After eight years of litigation, the proposed class of subscribers secured a \$2.67 billion settlement from the Blue Cross Blue Shield (BCBS) network, which was preliminarily approved in 2020 and pending final approval.

In 2018, Hausfeld attorneys were awarded *Global Competition Review's* "Litigation of the Year – Cartel Prosecution" commending its work on *In re Vitamin C Antitrust*







Litigation. In this historic case, the Supreme Court ruled in favor of Hausfeld's clients, setting forth criteria and a framework for courts to use when assessing the credibility and weight to give to a foreign government's expression of its own laws.

In 2016, Hausfeld was awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" for its work on In re Foreign Exchange Antitrust Benchmark Litigation. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2.3 billion in on behalf of a class of injured foreign exchange investors and overcoming three motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded Global Competition Review's "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. NCAA*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.



U.S. News & World Report

Since 2016, *U.S. News & World Report – Best Law Firms* has named Hausfeld to its top tier in both Antitrust Law and Litigation, and among its top tiers in Commercial Litigation. Hausfeld is also continuously recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, Mass Torts and Commercial Litigation.



American Antitrust Institute

In 2023, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Broiler Chicken Grower Antitrust Litigation and Olean Wholesale Foods Inc. v. Bumble Bee Foods Inc.*.

In 2021, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Blue Cross Blue Shield Antitrust Litigation*.

In 2018, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for their trial and appellate victories in *In re Vitamin C Antitrust Litigation*.

In 2016, the American Antitrust Institute honored two Hausfeld case teams—In re Air Cargo Shipping Services Antitrust Litig. (E.D.N.Y.) and In re Municipal Derivatives Antitrust Litig. (S.D.N.Y.)—with its top award for Outstanding Antitrust Litigation Achievement in Private Law Practice. Taken together, these two cases have yielded settlements of over \$1.4 billion to class members after nearly a decade of litigation. The award celebrates private civil actions that provide significant benefits to clients, consumers, or a class and contribute to the positive development of antitrust policy.

In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.

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Chambers and Partners



In 2024, Chambers and Partners once again named Hausfeld to its highest tier, Band 1, for "Antitrust: Plaintiff – USA – Nationwide," noting that the firm is "an outstanding firm with very wide and deep experience" and "Hausfeld brings so much to bear in litigation. On top of being very skilled litigators, they also bring an international bench." Hausfeld's team was also noted for being "talented across the board, [Hausfeld] contains some of the hardest-working and smartest lawyers," and "[the] group does fantastic work."

Hausfeld was one of just four law firms ranked in Band 1. Hausfeld's New York office was also named to Band 1 for "Antitrust: Mainly Plaintiff – New York," Hausfeld's California office was named to Band 1 for "Antitrust: Mainly Plaintiff - California" and Hausfeld's Washington, DC office was recognized in Band 2 for "Litigation: Mainly Plaintiff."

The publication has also previously noted about the firm:

"[H]as fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with."

"Able to deploy a deep bench of trial attorneys with outstanding litigation experience," and is "renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues."

Clients reported to the publication that "Hausfeld is a great partner that makes sure to understand our perspective," and peers have commended the firm's "terrific, deep bench."



National Law Journal

In 2015, Hausfeld was named to the *National Law Journal*'s "Plaintiffs Hot List" for the fourth year in a row. The publication elaborated:

"Hausfeld's creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games..." and Hausfeld, along with its co-counsel, "nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies."

In 2014, the *National Law Journal* named Hausfeld as one of a select group of America's Elite Trial Lawyers, as determined by "big victories in complex cases that have a wide impact on the law and legal business." The award notes that Hausfeld is among those "doing the most creative and substantial work on the plaintiffs side."

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Diversity, equity & inclusion

Hausfeld is committed to diversity and inclusion, because we know that embracing a variety of viewpoints and backgrounds allows us to gain better insights and strengthen our practice. Our diversity is reflected throughout our dozens of case teams leading class actions across the country. Hausfeld is proud that half of our lawyers are women, who lead some of the largest price-fixing and market manipulation antitrust MDLs in the United States on behalf of our firm.

Hausfeld's Appointed Diversity Partner and Diversity, Equity & Inclusion Committee is committed to examining and improving all aspects of our hiring, benefits, training, support, and promotion practices to ensure that Hausfeld maintains the highest standards for ourselves, and continually strive for improvement. Hausfeld seeks to ensure that all of our attorneys are provided the resources they need to excel, and are given opportunities to lead, both within and outside the firm.

At Hausfeld, achieving social justice, diversity, inclusivity, and equity is core to our values. Some examples of how we live out our values, both through our legal work and within the firm internally includes our representation of victims of apartheid in South Africa, black Americans persecuted in the Tulsa race riots and their survivors, and plaintiffs in a racial-bias discrimination case against Texaco, Inc., among other civil rights and pro bono cases. Today, the firm continues to fight for victims of deeply ingrained inequities, including taking on intersectional challenges like climate change litigation and advocacy.

Hausfeld has a strong ethos of providing access to justice for communities across the world. This is evidenced in much of the pro-bono work the firm has undertaken over the years. One of the highest profile recent cases involves our representation of Greta Thunberg and 15 young climate activists from around the world who are threatened by the climate crisis. Represented by a team of human rights and environmental lawyers from Hausfeld, and NGO Earthjustice, the young people submitted a petition to the UN Committee on the Rights of the Child arguing that five G20 countries - Argentina, Brazil, France, Germany,

and Turkey – are violating their rights to life, health, and culture under the Convention on the Rights of the Child by failing to curb greenhouse gas emissions to levels that would limit global warming to 1.5°C, a target set by climate science and the Paris Agreement. Hausfeld lawyers have worked tirelessly for several years in supporting these young people in tackling climate change.

For over a decade, Hausfeld has supported the Mid-Atlantic Innocence Project, which seeks to exonerate innocent convicted individuals, who are disproportionately persons of color. In addition, the firm ran a significant donation and employee matching program for the Equal Justice Initiative, the National Urban League, and the NAACP's Legal Defense and Education Fund, with ultimate donations over \$50,000. The firm has also joined the Law Firm Anti-Racism Alliance (LFAA), a group with the strategic goal of changing the way institutions deal with racial inequality.

Hausfeld achieved Certification Plus in Diversity Lab's Mansfield Rule for Midsize Firms, an innovative national initiative modeled after the original Mansfield Rule, committing the firm to consider an intentionally broad and diverse pool of candidates when selecting leaders for positions within the firm, hiring entry-level and lateral attorneys, positioning lawyers for case leadership roles, and forming teams for client pitches. As a Mansfield Certified Plus firm, Hausfeld also achieved 30 percent or more diverse representation in current leadership roles, formal client pitches, and staffing on key matters. Out of the total 26 firms that participated in this inaugural program, Hausfeld is one of 16 firms that achieved Certified Plus status.

Hausfeld also has a 1L Diversity Fellowship Program in which a 1L law student from a historically underrepresented background participates in the US summer associate program and receives a \$10,000 scholarship toward the student's law school costs.

In addition, our Diversity, Equity & Inclusion Committees continues to facilitate mandatory trainings, including antibias and diversity, equity & inclusion training, for all management, attorneys, and staff. Further, the DEI Committee continues to hold numerous all-firm programs, often time with outside experts including historians, NGOs, and DEI professionals, to speak on various social justice topics including Racial Justice, LGBTQ+, Disability Rights, Women's Rights, and Social Inclusion.

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Thought leadership

Hausfeld lawyers do more than litigation. They exercise thought leadership in many fields. Hausfeld lawyers host, lecture at, and participate in leading legal conferences worldwide and address ground-breaking topics including: the pursuit of damages actions in the United States and the European Union on behalf of EU and other non-U.S. plaintiffs; nascent private civil enforcement of EU competition laws; application of the Foreign Trade Antitrust Improvements Act; the impact of Wal-Mart Stores, Inc. v. Dukes and Comcast Corp. v. Behrend on class certification; reforms to the Federal Civil Rules of Procedure; emerging issues in complex litigation; and legal technology and electronic discovery.

Hausfeld attorneys have presented before Congressional subcommittees, regulators, judges, business leaders, inhouse counsel, private lawyers, public-interest advocates, elected officials, and institutional investors, and hold leadership positions in organizations such as the American Bar Association, the American Antitrust Institute, the Women Antitrust Plaintiffs' Attorneys network group, the Sedona Conference, and the Institute for the Advancement of the American Legal System.

Every quarter, our lawyers share their insights into noteworthy antitrust investigations, judgments, regulatory decisions, competition law, and digital markets developments in the United States and Europe in Hausfeld's Competition Bulletin. Managing Editor, Sarah R. LaFreniere and Chair Emeritus, Michael D. Hausfeld curate detailed and opinion pieces which are regularly shortlisted by Concurrences in their Antitrust Writing Awards and widely recognized as market-leading by our peers, clients, and the judiciary.

Selected articles

- "Supreme Court declines to consider changes to rule 23(B) predominance requirements" Theodore F. DiSalvo, Hausfeld Competition Bulletin/Lexology (May 16, 2024)
- "Private enforcement of the Digital Markets Act: What to expect under German Law" Dr. Ann-Christin Richter & Rebecca Apell, Hausfeld Competition Bulletin/Lexology (May 16, 2024)

- "Vanishing act: The impact of ephemeral messaging on civil antitrust conspiracy litigation" Daniel P. Weick & Jamie Nicolaides, Hausfeld Competition Bulletin/Lexology (February 27, 2024)
- "Epic Games, Inc. v. Apple, Inc.: A new day for injunctive relief under California's UCL?" Kyle Bates & Tae H. Kim, Hausfeld Competition Bulletin/Lexology (September 15, 2023)
- "Seventh Circuit reminds practitioners: Article III standing and antitrust standing are distinct," Sarah LaFreniere, Hausfeld Competition Bulletin/Lexology (Spring 2022).
- "Court certifies Interchange Fee equitable-relief class despite major retailer opposition," lan Engdahl, Hausfeld Competition Bulletin/Lexology (Fall 2021).
- "Indirect purchaser class actions after the 9th Circuit Stromberg v. Qualcomm decision," Kyle Bates, Hausfeld Competition Bulletin/Lexology (Fall 2021).
- "Supreme Court Justices foreshadow a turbulent future for the NCAA," Swathi Bojedla, Hausfeld Competition Bulletin/Lexology (Summer 2021).
- "Can a non-signatory compel arbitration?" Walter D. Kelley Jr., Hausfeld Competition Bulletin/Lexology (Summer 2021).
- "Briseño v. Henderson: new considerations for class action settlements today," Christopher Lebsock & Kyle Bates, Hausfeld Competition Bulletin/Lexology (Summer 2021).
- "Umbrella Liability: Has Its Time Come?" Michael D. Hausfeld, Competition Policy International (October 24, 2020).
- "Third Circuit's Suboxone Class Certification **Affirmance Clarifies Commonality and** Predominance Requirements," Swathi Bojedla, Hausfeld Competition Bulletin/Lexology (Fall 2020).

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HAUSFELD

FOR THE CHALLENGE

- "Class Actions & Competition Law, An Overview Of EU and National Case Law," Michael D. Hausfeld, Anthony Maton, Concurrences e-Competition Bulletin - Special Issue on Class Actions (August 27, 2020).
- "Personal Jurisdiction in Federal Class Actions: Three New Rulings but Little Clarity," Sarah LaFreniere, Hausfeld Competition Bulletin/Lexology (Spring 2020).
- "In Defense of Class Actions: A Response to Makan Delrahim's Commentary on the UK Mastercard Case," Michael D. Hausfeld, Competition Policy International (June 8, 2020).
- "Social Media and Antitrust: A Discovery Primer," Nathaniel C. Giddings, Antitrust Magazine (Summer 2018).
- "The Volkswagen Scandal: Catalyst for Class Action Change?" Sarah LaFreniere (Co-Author), Law360 (Feb. 27, 2018).
- "Litigating Indirect Purchasers Claims: Lessons for the EU from the U.S. Experience," Michael D. Hausfeld, Antitrust Magazine (Fall 2017).
- "Cartel Damage Recovery: A Roadmap for In-House Counsel," Scott Martin, Antitrust Magazine (Fall 2017) — Recipient of Concurrences' 2018 Antitrust Writing Award for Private Enforcement (Business) Category.
- "Oligopoly & No Direct Evidence? Good Luck, Says Third Circuit," Christopher Lebsock, Hausfeld Competition Bulletin/Lexology (Fall 2017).
- "Damage Class Actions After Comcast: A View from the Plaintiffs' Side," Michael D. Hausfeld, Antitrust Magazine (Spring 2016).
- "Proving Damages in Consumer Class Actions," James J. Pizzirusso, Consumer Protection Committee, Vol. 22/No. 1, ABA Section of Antitrust Law (March 2016).

- "Courts determine that non-cash consideration is subject to antitrust scrutiny under Actavis," Jeannine Kenney, Hausfeld Competition Bulletin/Lexology (Oct. 2015).
- "Bundling Claims Under Section 1 of the Sherman Act: Focusing on Firms' Abilities to Create Anticompetitive Effects in a Market, Rather Than Their Share of It," Brent W. Landau and Gary I. Smith Jr., Antitrust Health Care Chronicle, Vol. 28/ No. 1, ABA Section of Antitrust Law (Jan. 2015).
- "Antitrust Class Proceedings Then and Now," Michael D. Hausfeld, Michael P. Lehmann, and Sathya S. Gosselin, Research in Law and Economics (Vol. 26, 2014) — Recipient of Concurrences' 2015 Antitrust Writing Award for Private Enforcement (Academic) Category.
- "Chapter 39: USA," Brent W. Landau and Brian A. Ratner, The International Comparative Legal Guide to Cartels & Leniency Ch. 39 (2014).
- "Prosecuting Class Actions and Group Litigation – Understanding the Rise of **International Class and Collective Action** Litigation and How this Leads to Classes that Span International Borders," Michael D. Hausfeld and Brian A. Ratner, World Class Actions Ch.26 (2012).
- "Private Enforcement of Antitrust Law in the United States, A Handbook - Chapter 4: Initiation of a Private Claim," Michael D. Hausfeld and Brent W. Landau, et al. (2012).
- "The Novelty of Wal-Mart v. Dukes," Brian A. Ratner and Sathya S. Gosselin, American Bar Association, Business Torts & Civil RICO Committee, Business Torts & RICO News, Vol. 8, Issue 1 (Fall 2011).

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Michael D. Hausfeld

Chair EmeritusWashington, DC

mhausfeld@hausfeld.com

+1 202 540 7200



OVERVIEW

Michael Hausfeld, widely recognized for his leadership on competition matters and his groundbreaking cases in human rights law, is Chair Emeritus. Michael's distinguished career has included some of the largest and most successful class actions in the fields of human rights, discrimination and antitrust law.

Clients

Michael has an abiding interest in social reform, and has been a part of some of the most groundbreaking cases in that arena both in the U.S. and around the world. Michael was among the first lawyers in the U.S. to assert that sexual harassment was a form of discrimination prohibited by Title VII, and he successfully tried the first case establishing that principle. He has represented Native Alaskans whose lives were affected by the 1989 Exxon Valdez oil spill and later negotiated a then-historic \$176 million settlement from Texaco, Inc. in a racial-bias discrimination case. In *Friedman v. Union Bank of Switzerland*, Michael represented a class of Holocaust victims whose assets were wrongfully retained by private Swiss banks during and after World War II. The case raised novel issues of international banking law and international human rights law. In a separate case, he also successfully represented the Republic of Poland, the Czech Republic, the Republic of Belarus, the Republic of Ukraine and the Russian Federation on issues of slave and forced labor for both Jewish and non-Jewish victims of Nazi persecution. He has represented individuals and NGOs in litigation alleging liability for aiding and abetting the South African system of apartheid.

Michael has a long record of successful litigation in the antitrust field, on behalf of individuals and classes, in cases involving monopolization, tie-ins, exclusive dealing and price fixing. In the landmark *O'Bannon v. NCAA* litigation, Michael represented a class of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions, based on rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses. At the conclusion of a three-week bench trial, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction as requested by the plaintiffs. He was a member of the ABA Antitrust Section's Transition Taskforce, which advised the incoming Obama Administration, and has chaired the ABA's Civil Redress Committee. Michael has been co-lead counsel in antitrust cases against manufacturers of genetically engineered foods, managed healthcare companies, bulk vitamin manufacturers, technology companies, and the world's largest banking institutions. He is involved in ongoing investigations of antitrust cases abroad and pioneering efforts to enforce competition laws globally. He was the only private lawyer permitted to attend and represent the interests of consumers worldwide in the 2003 closed hearings by the EU Commission in the Microsoft case.

EDUCATION

National Law Center George Washington University, J.D., with honors, Order of the Coif, 1969

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Brooklyn College, B.A. cum laude, 1966

BAR ADMISSIONS

District of Columbia

New York

AFFILIATIONS

American Bar Assocation Civil Redress Committee, Co-Chair (2012-2013)

American Bar Assocation Civil Redress Task Force, Co-Chair (2011-2012)

American Bar Assocation International Cartel Task Force, Member (2010)

George Washington University Law School, Adjunct Professor (1996-1998)

Georgetown University Law Center, Professor (1980-1987)

George Washington Law Review, Member, Board of Editors (1968-1969)

Global Competition Litigation Review, Member, Editorial Board (2011)

Litigation Counsel of America, Plaintiffs Fellow

WHAT OTHERS SAY

American Antitrust Institute

- Outstanding Antitrust Litigation Achievement in Private Law Practice, an honor he received twice:
 - As one of the leaders of the In re Vitamin C Antitrust Litigation case team in 2018
 - As one of the leaders of the In re Blue Cross Blue Shield Antitrust Litigation case team in 2021

American Bar Association

• Lifetime Achievement Award, 2022

Benchmark Litigation

National Practice Area Star, Local Litigation Star in 2021, and Litigation Star in 2023

"Few would contest that the firm's legacy is credited to firm founder and visionary Michael Hausfeld, the name partner who entrepreneurially built his firm into a zealous plaintiff empire." (Benchmark Litigation, Dispute Resolution, 2021)

Best Lawyers

- Best Lawyer since 2006
 - Antitrust Law
 - Litigation Antitrust

Chambers and Partners

- Band 1, Antitrust: Plaintiff Nationwide, year-after-year
- Recognized Practitioner, Sports Law Nationwide in 2019

A source reported, "Michael is in my opinion one of the best lawyers in America, especially with regard to antitrust cases and other complex litigation." (Chambers US, Antitrust: Plaintiff - Nationwide, 2021)

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"Michael Hausfeld is a key player in the antitrust space, skillfully handling prominent class actions, often concerning anticompetitive behavior and price manipulation. Sources report: 'What sets him apart is his creativity and strategic sense of how to resolve a dispute to satisfy all sides.'" (Chambers US, Antitrust: Plaintiff - Nationwide, 2020)

"Lauded by market sources as an 'amazing lawyer." (Chambers US, Antitrust: Plaintiff - Nationwide, 2019)

"An innovative and a well-respected leader of the antitrust Bar." (Chambers US, Antitrust: Plaintiff - Nationwide, 2018)

Concurrences

• Winner, Academic: Private Enforcement category in 2015 for his co-authored article titled, "Antitrust Class Proceedings - Then and Now"

Global Competition Review

- Lifetime Achievement Award, 2023
- Litigation of the Year Cartel Prosecution in 2021: an honor he received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team.
- Named Lawyer of the Year in 2019

Michael is "recognized as one of the best plaintiffs' lawyers in the country" who "consistently brings in the biggest judgments in the history of law" and is "a Washington lawyer determined to change the world - and succeeding." (Global Competition Review Awards, 2019)

Law360

• One of just six attorneys named as a Competition MVP by Law360 in 2014.

Lawdragon

- 500 Leading Plaintiff Consumer Lawyers since 2019
- 500 Leading Plaintiff Financial Lawyers since 2019
- 500 Leading Lawyer in America since 2012
- 500 Leading Litigators in America in 2022
- 500 Leading Global Litigators since 2021
- 500 Global Plaintiff Lawyers in 2024
- 500 Legends in 2019
- Hall of Fame since 2021 described by Lawdragon as "outstanding lawyers who have made remarkable contributions as leaders, litigators, dealmakers, power brokers, judges and innovators."

Legal 500

Hall of Fame since 2020 – described by the Legal 500 as "including individuals who have received constant
praise from their clients for continued excellence. The Hall of Fame highlights, to clients, the law firm partners
who are at the pinnacle of the profession."

- Recommended Lawyer, Civil Litigation, Class Actions in 609 Year-after-year
- Top 10 Leading Lawyer in the U.S. representing plaintiffs in antitrust and cartel matters, 2016

"Stationed in the firm's DC office is talismanic founding chairman Michael Hausfeld, one of most sought-after names in plaintiff-side actions in the US, and an expert in cases involving monopolization, tie-ins, exclusive dealing and price-fixing." (Legal 500 US, Antitrust - Civil Litigation/Class Actions, 2021)

National Law Journal

• Litigation Trailblazer & Pioneer in 2014

Super Lawyers

• Super Lawyer, Antitrust Litigation in Washington, DC since 2007

Who's Who Legal

- Thought Leader, USA: Competition, 2023
- Thought Leader, Competition: Plaintiff, 2023, 2021
- Global Leader, Competition: Plaintiff, 2023, 2020
- Global Elite Thought Leader, Competition: Plaintiff since 2019
- Recommended Lawyer, Competition: Plaintiff since 2018

"Michael Hausfeld is a pre-eminent practitioner who is well renowned for his track record in monopolies, tie-ins and price fixing." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2022)

"One of North America's foremost plaintiff specialists in the antitrust space, dubbed a 'legend in the field.'" (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2020)

"One of the titans of the competition plaintiff space, and is a perennial selection as a Global Elite Thought Leader. He attracts numerous recommendations from peers across North America and Europe for his standout practice, which encompasses antitrust litigation on the part of both individuals and classes." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2019)

Other

- Described by one of the country's leading civil rights columnists as an "extremely penetrating lawyer" and by a colleague (in a Washington Post article) as a lawyer who "has a very inventive mind when it comes to litigation. He thinks of things most lawyers don't because they have originality pounded out of them in law school."
- Immediately following the groundbreaking *NCAA v. O'Bannon* decision in 2015, Michael was named AmLaw Litigation Daily's 'Litigator of the Week,' citing the "consensus among courtroom observers [was] that Michael Hausfeld...got the best of a parade of NCAA witnesses at trial." Law360 dubbed the trial team led by Michael as "Legal Lions," citing the firm's historic victory over the NCAA.
- Awarded the Torch of Learning Award by the American Friends of Hebrew University in 2012
- Shortlisted, 'Attorneys Who Matter' in the field of Corporate Compliance by The Ethisphere Institute in 2009
- Legal Elite by SmartCEO Magazine in 2009
- Cited by Chambers US, Products Liability category in 2009
- Top 30 "Visionaries" in the Washington legal community by the Legal Times in 2008
- 50 Most Powerful People in DC by GQ Magazine in 2007
- "International World-shakers" list of 40 international lawyers "making waves" in the UK by The Lawyer in 2007
- Fierce Sister Award by The Lawyer in 2007: an honor he received for his work on the Japanese Comfort Women case.
- 100 Most Influential Lawyers by the National Law Journal in 2006
- The New York Times referred to Michael as one of the nation's "most prominent antitrust lawyers," and the Washingtonian named him one of thirty "Stars of the Bar."

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- Recipient of the B'Nai Brith Humanitarian of the Page Dar 610 2002
- One of thirty negotiators profiled in Done Deal: Insights from Interviews with the World's Best Negotiators, by Michael Benoliel. Ed.D.
- Recipient of the Simon Wiesenthal Center Award for Distinguished Service
- Michael received the U.S. Department of Energy Human Spirit Award, presented "in tribute to a person who understands the obligation to seek truth and act on it is not the burden of some, but of all; it is universal."

EXPERIENCE

Antitrust/Competition

- In re Blue Cross Blue Shield Antitrust Litigation In one of the largest and most complex antitrust class action cases ever litigated, Michael represented tens of millions of subscriber plaintiffs alleging higher premiums and loss of competition in the market for health insurance due to a conspiracy among 36 insurer defendants to allocate geographic territories. In November 2020, the Court granted preliminary approval to the proposed settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for \$2.67 billion. The settlement was unanimously affirmed by the Eleventh Circuit, and in June 2024, the U.S. Supreme Court declined any further review, paving the way for the distribution of billions of dollars to subscribers nationwide, along with systemic changes to BCBS practices that will create opportunities for more competition.
- In re Rail Freight Fuel Surcharge Antitrust Litigation Counsel to dozens of rail freight shippers in a high-profile antitrust case concerning alleged fuel surcharge collusion among the nation's largest rail freight carriers.
- O'Bannon v. NCAA Trial counsel in this landmark litigation regarding pay for student athletes; negotiated \$40 million settlement with Electronic Arts, Inc., which was distributed among current and former college athletes.
- In re Domestic Airline Travel Antitrust Litigation Currently leading this class action lawsuit alleging a conspiracy by United, American, Delta, and Southwest to artificially inflate domestic airline ticket prices by limiting capacity growth. Although discovery is ongoing, settlements total \$60 million to date.
- In re Libor-Based Financial Instruments Antitrust Litigation Currently leading this class action lawsuit alleging a global conspiracy by some of the world's largest financial institutions to manipulate LIBOR. The manipulation of LIBOR, which is the primary benchmark for short-term interest rates for trillions of dollars-worth of financial transactions worldwide, is alleged to have caused billions of dollars in damage to municipalities, businesses, and investors. Settlements with four out of the sixteen defendants total \$590 million to date.
- In re Foreign Exchange Benchmark Rates Antitrust Litigation Currently leading this high-stake lawsuit alleging a global conspiracy by some of the world's largest financial institutions to fix and manipulate foreign exchange rates, which to date has resulted in settlements totaling over \$2.3 billion on behalf of investors. For its work on the case, the firm received Global Competition Review's award for 'Litigation of the Year Cartel Prosecution.'
- In re Vitamin C Antitrust Litigation Represented plaintiff class against Chinese vitamin C manufacturer defendants accused of price-fixing in settlements and successful trial. On appeal, the U.S. Supreme Court ruled 9-0 in favor of Hausfeld's clients, creating an important precedent for any transnational litigation where U.S. victims' rights are threatened by interpretations of foreign law and international comity principles.
- In re Vitamins Antitrust Litigation Served as counsel on this landmark case on behalf of vitamin direct purchasers who were overcharged as a result of a ten-year global price-fixing and market allocation conspiracy. The case settled for over \$1 billion, and in 2003 the case went to a jury trial resulting in a verdict of \$148 million in trebled damages the twelfth largest U.S. jury verdict that year.

Commercial & Financial Disputes

• In re Libor-Based Financial Instruments Antitrust Litigation - Currently leading this class action lawsuit alleging a global conspiracy by some of the world's largest financial institutions to manipulate LIBOR. The manipulation of LIBOR, which is the primary benchmark for short-term interest rates for trillions of dollars-worth of financial transactions worldwide, is alleged to have caused billions of dollars in damage to municipalities, businesses, and investors. Settlements with four out of the sixteen defendants total \$590 million to date.

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- In re Foreign Exchange Benchmark Rates Antitrust Litigation Currently leading this high-stake lawsuit alleging a global conspiracy by some of the world's largest financial institutions to fix and manipulate foreign exchange rates, which to date has resulted in settlements totaling over \$2.3 billion on behalf of investors. For its work on the case, the firm received Global Competition Review's award for 'Litigation of the Year Cartel Prosecution.'
- MTB Investment Partners, LP v. Siemens Hearing Instruments, Inc. Secured a securities fraud settlement that returned more than 115% of recognized losses after attorneys' fees and expenses to former shareholders in HearUSA, Inc.

Environmental & Product Liability

• Children v. the Climate Crisis: Chiara Sacchi et al. v. Argentina, Brazil, France, Germany, and Turkey - In which Hausfeld and co-counsel Earthjustice represent 16 children from around the world, including Greta Thunberg and Alexandria Villaseñor, in a complaint filed before the UN Committee on the Rights of the Child alleging violations of children's rights to life, health, and culture by five members of the G20 whose failure to reduce carbon emissions is perpetuating climate change.

Human Rights

- South African Silicosis Involved in litigation in both the UK and in South Africa on behalf of South African gold miners who have suffered from silicosis. In South Africa, the Johannesburg High Court certified the case as a class action against most of South Africa's gold mining industry. Following certification, extensive negotiations resulted in a landmark settlement in May 2018.
- Low Income Bread Consumers Currently at the forefront of competition claims in South Africa, having worked with South African counsel in groundbreaking litigation on behalf of low-income bread consumers. This case resulted in a landmark ruling by the Supreme Court of Appeal (SCA) which determined for the first time the specific requirements for filing a collective action in South African courts.
- Bhopal, India Union Carbide Plant Represented residents of Bhopal, India who were exposed to toxic wastes. These wastes contaminated the soil and drinking water surrounding the infamous Union Carbide Plant, which was the site of the 1984 gas leak that killed and injured thousands of residents.
- Japanese "Comfort Women" Represented former "comfort women," a title given to women and girls who were forced into sexual slavery during World War II.

Sports & Entertainment

• O'Bannon v. NCAA - Trial counsel in this landmark litigation regarding pay for student athletes; negotiated \$40 million settlement with Electronic Arts, Inc., which was distributed among current and former college athletes.

Case 2:24-md-03113-JXN-LDW Katie R. Beran

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Partner

Philadelphia

she / her / hers

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+1 267 702 2315

https://www.linkedin.com/in/katieberan



OVERVIEW

Katie is a partner in Hausfeld's Philadelphia office. Her practice focuses on pursuing justice for plaintiffs in antitrust, consumer protection, civil and human rights, and environmental litigation. Katie has represented a diverse array of clients, including cancer patients fighting for access to affordable treatment, municipalities seeking remedies to protect the health and well-being of their residents, and app developers challenging Google's monopolization of the mobile application marketplace.

Katie also maintains a robust pro bono practice, where she regularly represents participants in the Eastern District of Pennsylvania Supervision to Aid Reentry Program in civil legal matters, and oversees the firm's pro bono partnerships with several non-profit organizations leading the fight on racial equality and reproductive justice. She previously served as counsel for victims of childhood sexual abuse by Pennsylvania clergy and has engaged in climate change impact litigation.

Katie has received numerous accolades across several practice areas, including being recognized as an On the Rise - Top 40 Young Lawyer in the country by the American Bar Association, a Rising Star in Antitrust Litigation by *Pennsylvania Super Lawyers*, an Energy & Environmental Trailblazer by *The National Law Journal*, and a Leading Plaintiff Consumer Lawyer by *Lawdragon*.

At Hausfeld, Katie leads the firm's business development strategy efforts for the U.S. offices. As Chair of the firm's U.S. Business Development Strategy Committee, she manages all new case investigations and potential matters. In addition, as a founding member of Hausfeld's Diversity, Equity, and Inclusion Committee, Katie is deeply committed to continually examining and improving all aspects of the firm to ensure a diverse, equitable, inclusive, and dynamic work environment. She is also a member of the firm's Hiring Committee and Pro Bono Committee. Before joining the firm, Katie served as a federal Law Clerk to the Honorable Gerald A. McHugh in the Eastern District of Pennsylvania during the first two years of Judge McHugh's tenure on the Bench.

EDUCATION

University of Pennsylvania Law School, cum laude, 2012

American University, magna cum laude, 2009

BAR ADMISSIONS

Pennsylvania

New Jersey

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, New Jersey

U.S. Court of Appeals for the Third Circuit

AFFILIATIONS

American Bar Association - Antitrust Section Influence Task Force, Appointed Member

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American Bar Association, Antitrust Law Section Legislation Committee, Previously Vice Chair

American Bar Foundation, Fellow

Jewish Social Policy Action Network, Vice President (2014-2018)

Pennsylvania Association for Justice

Philadelphia Bar Association

Philadelphia Bar Foundation

Temple University Beasley School of Law, Federal Reentry Court Clinic Adjunct Professor, (2015-2016)

United States District Court for the Eastern District of Pennsylvania, Judicial Law Clerk to the Honorable Gerald A. McHugh (2014-2016)

University of Pennsylvania Law School, Legal Writing Instructor, (2011-2012)

WHAT OTHERS SAY

American Bar Association

• On the Rise - Top 40 Young Lawyer in 2020

Benchmark Litigation

• 40 & Under List in 2023

Global Competition Review

Litigation of the Year - Non Cartel Prosecution in 2023: an honor she received as part of the In re Google Play
 Developer Antitrust Litigation case team

Lawdragon

- The Green 500: Leaders in Environmental Law Plaintiff Environmental Litigation & Justice since 2021
- Leading Plaintiff Consumer Lawyers since 2022
- Leading Environmental & Energy Lawyer in 2021
- 500 Leading Litigators in America in 2022

Legal Intelligencer

• Lawyer on the Fast Track in 2017

National Law Journal

• Energy & Environmental Trailblazer in 2018

Super Lawyers

• Rising Star, Antitrust Litigation in Philadelphia since 2018

Other

 Pro Bono Award of the Philadelphia Bar Foundation: an honor received by Katie and the firm's Philadelphia office in 2019.

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- Recognized Community Partner Award: an honor given by the United States District Court for the Eastern
 District of Pennsylvania for her valuable contributions to the Supervision to Aid Reentry Program (STAR)
 program in the Eastern District of Pennsylvania in 2019.
- Pro Bono Supervisor Award: an award given by the Penn Law Toll Public Interest Center for her work with Federal Reentry Court Clinic students in 2016.

EXPERIENCE

Antitrust/Competition

- In re Google Play Developer Antitrust Litigation Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee. The developer class recently settled for \$90 million and significant injunctive relief.
- In re Thalomid and Revlimid Antitrust Litigation A class action alleging that the defendant's extensive anticompetitive conduct excluded generic alternatives for Thalomid and Revlimid, two drugs used to treat rare but deadly conditions, from entering the market, causing end payors to incur millions of dollars in overcharges (settled for \$34 million)
- In re Foreign Exchange Benchmark Rates Antitrust Litigation A case alleging a conspiracy to fix the prices of foreign exchange instruments among some of the largest banks in the world, in which the firm has secured more than \$2.3 billion in settlements.
- In re Apple Inc., Smartphone Antitrust Litigation Hausfeld represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.

Environmental & Product Liability

• SCWA v. Dow, et al. and SCWA v. 3M Company, et al. - Two environmental cases on behalf of the largest public water supplier in the country against the manufacturers and distributors of products containing toxic chemicals for contamination of the local public drinking water.

- Document 19-2 PageID: 615
- New Jersey Department of Environmental Protection et al. v. Ford Motor Company et al. Katie serves as Special Counsel to the New Jersey Attorney General in an environmental justice suit against Ford Motor Company seeking natural resource damages related to environmental pollution near the company's Mahwah, NJ plant. The State alleges that Ford polluted an area that includes the homeland of a Native American tribe and later concealed the extent of the contamination from subsequent property owners and regulators (as depicted in the HBO documentary Mann V. Ford).
- Bhatia v. 3M Company, No. 0:16 cv-1304 (D. Minn.) A class action filed on behalf of dentists and dental practices alleging that 3M knowingly sold defective dental crowns and, even after pulling the product from the market, refused to reimburse dentists for the replacement costs, which ultimately settled for \$32.5 million.
- Attorney General of the State of New Jersey, et al. v. Dow Chemical Co., et al. Environmental litigation on behalf of the State of New Jersey against the manufacturers of the toxic chemical 1,4-dioxane for contamination of the State's natural resources and drinking water supply, as well as deceptive and fraudulent business practices regarding the sale of 1,4-dioxane products to industrial facilities and New Jersey consumers.
- City of Philadelphia v. Polymer80, Inc. and JSD Supply, Inc. Representing the City of Philadelphia, in partnership with the Giffords Law Center, in a lawsuit against defendants Polymer80, Inc. and JSD Supply, which are among the largest suppliers of ghost guns confiscated in Philadelphia, alleging that the named distributors have contributed to the gun violence crisis and threatened the public's right to health and safety by marketing, selling, and dispersing unserialized ghost guns into Philadelphia.
- Bell v. Al-Khatib In an important environmental justice case, Hausfeld, along with the Public Interest Law Center, filed a complaint on behalf of a group of Philadelphia residents against an auto body shop for its unlawful operations resulting in nuisance and trespass in their neighborhood, which has been designated by the EPA as an "environmental justice community." This litigation—focused on just one of scores of auto-related businesses operating improperly in low income communities of color in Southwest Philadelphia—concluded in a swift and favorable settlement including the elimination of the nuisance and the removal of the unlawfully operating business from the property.

Human Rights

Katie has worked on human rights litigation regarding imminent threats to public health and represented individuals pursuing civil rights claims.

Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- · Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

Consumer Protection

• Bhatia v. 3M Company, No. 0:16 cv-1304 (D. Minn.) - A class action filed on behalf of dentists and dental practices alleging that 3M knowingly sold defective dental crowns and, even after pulling the product from the market, refused to reimburse dentists for the replacement costs, which ultimately settled for \$32.5 million.

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Technology & Data Breach

In re American Medical Collection Agency, Inc. Customer Data Sec. Breach Litig., MDL No. 2904 (DNJ) –
multidistrict litigation against various medical diagnostic testing companies, including Quest Diagnostics and
LabCorp, regarding a data breach of their billing collections vendor, American Medical Collection Agency, where
hackers exposed millions of patients' sensitive personal, financial, and medical information and sold it for profit
on the dark web.

US Managing Partner Washington, DC

she / her

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http://www.linkedin.com/pub/melindacoolidge/a/942/936



OVERVIEW

Melinda serves as the US Managing Partner, responsible for the successful management and business of the firm's US offices. Melinda strives to lead by example, embodying the firm's values of tenacity and pragmatism throughout her work. She believes that success lies in maximizing opportunities for the professional and personal development of every team member. She seeks to empower a culture of bold actions, pioneering cases, and unconventional thinking.

Deeply committed to the firm's vision of global civil redress for those harmed by wrongdoing, Melinda also maintains an active legal practice focused on private enforcement of the antitrust laws. She has represented clients ranging from Fortune 500 companies to classes of consumers with a common goal of maximizing their recoveries from cartel price-fixing or monopolization; her clients have obtained more than \$1 billion in settlements and a US Supreme Court victory.

Melinda works to safeguard free and open markets and is proud to be named one of the Top 100 Women in Antitrust by Global Competition Review.

Clients

Melinda has represented clients in the pharmaceutical, agricultural, industrial gas, auto parts, and rail freight and air cargo industries. She represents companies listed in the Fortune 200, as well as classes of direct and indirect purchasers of products impacted by antitrust violations.

EDUCATION

Georgetown University Law Center, J.D., cum laude, 2008

Tufts University, B.A., magna cum laude, 2003

BAR ADMISSIONS

Maryland

District of Columbia

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United States District Court for the District of Columbia GelD: 618

United States District Court for the District of Maryland

United States District Court for the Western District of New York

United States Court of Appeals for the Second Circuit

United States Supreme Court

AFFILIATIONS

American Bar Association Antitrust Law Section, Co-Chair, International Cartel Task Force (2022 - Present)

American Bar Association Antitrust Law Section, Member, International Cartel Task Force (2018 - Present)

American Bar Association Antitrust Law Section, Member (2009 - Present)

Georgetown Journal of Gender and the Law, Former Editor

Litigation Counsel of America, Fellow (2016)

WHAT OTHERS SAY

American Antitrust Institute

 Outstanding Antitrust Litigation achievement in Private Law Practice in 2023 for In re Broiler Chicken Grower Antitrust Litigation

Global Competition Review

- Litigation of the Year Non Cartel Prosecution in 2023: an honor she received as part of the *In re Google Play Developer Antitrust Litigation* case team
- Litigation of the Year Cartel Prosecution in 2019: an honor she received as part of the *In re Vitamin C Litigation* case team.
- Top 100 Women in Antitrust in 2016

Lawdragon

- 500 Leading Plaintiff Financial Lawyers since 2019
- 500 Leading Lawyers in America since 2022

Legal 500

- Leading Lawyer in 2024
- Next Generation Lawyer in Antitrust Civil Litigation/Class Actions: Plaintiff since 2019
- Recommended Attorney every year since 2017
- Rising Star in Antitrust Cartel Enforcement in 2015

"Melinda Coolidge is a strong manager and leader in the group." (The Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2024)

"Melinda Coolidge is really one of the best lawyers in the plaintiffs' bar." (The Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2024)

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"Melinda Coolidge is easy to work with and very smart and responsive." (The Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2021)

"Melinda Coolidge and Scott Martin go above and beyond at all hours to provide the best level of customer service. They are always there with an explanation." (The Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2020)

"Brian Ratner and Melinda Coolidge are both first class. They are personable, knowledgeable and deliver results." (The Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2020)

Super Lawyers

- Super Lawyer, Antitrust Litigation in Washington, DC in 2020
- Rising Star, Antitrust Litigation in Washington, DC five years consecutively between 2014-2019

Other

- Antitrust Trailblazer by the National Law Journal in 2016
- Rising Star, Class Actions in 2015 by Law360

EXPERIENCE

Antitrust/Competition

- In re Apple Inc., Smartphone Antitrust Litigation Hausfeld represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.
- In re Google Play Developer Antitrust Litigation Representing a class of app developers that sold apps or inapp products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee.
- In re Broiler Grower Antitrust Litigation Representing a certified class of broiler chicken farmers (referred to as "Growers") claim that over twenty of the country's largest poultry producers, including Tyson, Pilgrim's, Perdue, Koch Foods, and Sanderson Farms colluded to suppress Grower pay through agreements not to recruit, solicit, or "poach" one another's Growers and through comprehensive and systematic exchanges of Grower compensation information. Settlements have been reached with Tyson (\$21 million), Perdue (\$14.75 million), Koch Foods (\$15.5 million), and Sanderson Farms (\$17.75 million), totaling \$69 million and the litigation continues against the sole remaining defendant, Pilgrim's.
- In re Rail Freight Fuel Surcharge Antitrust Litigation Representing rail freight shippers against BNSF, CSX, Norfolk Southern, and Union Pacific for damages stemming from the alleged rail freight cartel in the early 2000s.
- In re Automotive Parts Antitrust Litigation Representing various car manufacturers and other OEMs in successful recovery of damages incurred from the massive worldwide auto parts cartel. The cartel resulted in over 80 guilty pleas in the United States, and fines and decisions by regulatory authorities around the world.
- In re Thalomid and Revlimid Antitrust Litigation Representing a class of end-payors of Thalomid and Revlimid in antitrust litigation against Celgene (settled for \$34 million), and In re Zymar and Zymaxid Litigation, representing a class of direct purchasers of two eye medications against Allergan, Kyorin, and Senju.

- In re Air Cargo Antitrust Litigation Representing freight forwarders and other direct purchasers of air cargo shipping services against a worldwide price-fixing cartel, in which her clients and the class recovered over \$1 billion in settlements.
- In re Vitamin C Antitrust Litigation Served on the trial team for the plaintiff class at trial in this case which secured a trebled jury verdict of \$162 million against Chinese vitamin C manufacturer defendants. On appeal, the U.S. Supreme Court ruled 9-0 in favor of Hausfeld's clients, creating an important precedent for any transnational
- litigation where U.S. victims' rights are threatened by interpretations of foreign law and international comity principles.
 - United States v. ASSA ABLOY AB Serving as court-appointed monitoring trustee following contested merger
- and divestiture.

Environmental & Product Liability

• In re Prempro Products Liability Litigation - Served as primary brief writer on liability issues and represented dozens of women in a mass tort action against Pfizer and Wyeth over their hormone replacement therapy and links to breast cancer.

Case 2:24-md-03113-JXN-LDW **Megan E. Jones**

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Partner

she / her / hers

mjones@hausfeld.com

+1 415 744 1951

http://www.linkedin.com/pub/megan-e-jones/9/3a8/53b/



OVERVIEW

Megan Jones (@MeganJonesEsq), Co-Chair of the firm's Antitrust practice group, is a California Bay Area-based lawyer who focuses on recovering damages for companies who are victims of antitrust cartels for price-fixing, tying, restraints of trade, and other competition violations. With 19 years of experience in antitrust class actions, Megan is trusted by courts to lead large and complex antitrust cases:

- 1. *In re Local TV Advertising Litigation* (Sole Lead counsel)
- 2. In re Diisocyanates Antitrust Litigation (Co-Lead counsel)
- 3. *In re Beef Antitrust Litigation* (Co-Lead Counsel)
- 4. In re Blue Cross Blue Shield Antitrust Litigation (Plaintiff Steering Committee)
- 5. In re Marriott International Customer Data Security Breach Litigation (Plaintiff Steering Committee)

Megan is known for her creativity on settlement issues.[]] For example, in In re Municipal Derivatives Antitrust Litigation (S.D.N.Y.), Ms. Jones was co-lead counsel and recovered over \$220 million dollars for a class of cities and municipalities. Notably, Ms. Jones co-negotiated several of the settlements obtained in that class with Select State Attorneys General, who trusted class counsel to administer notice and the claims process for the joint proceeds. The American Antitrust Institute recognized this unusual public/private partnership, and awarded Megan (and her team) the "Outstanding Antitrust Litigation Achievement in Private Law Practice" in 2016. Other settlements Ms. Jones negotiated include:

- In re Municipal Derivatives Antitrust Litigation Resulted in over \$200 million on behalf of the class.
- In re Polyester Staple Antitrust Litigation Resulted in \$63.5 million on behalf of class.
- In re Compact Disc Antitrust Litigation Resulted in over \$50 million on behalf of class.
- In re Rubber Chemicals Antitrust Litigation Resulted in over \$100 million on behalf of class.
- In re MMA Antitrust Litigation Resulted in over \$20 million on behalf of class.
- In re EPDM Antitrust Litigation Resulted in \$81 million on behalf of class.
- Megan was also involved in the negotiation of a \$300 million global settlement with Bayer (which resolved three cases: EPDM, Rubber Chemicals and NBR), and drafted the innovative settlement agreement itself.

As one of the few women in the plaintiffs' bar inducted into the Legal 500 Hall of Fame for continued excellence in litigation, Ms. Jones has a national reputation for excellence that has been obtained the old-fashioned way, by trying to be the best team member in the trenches. See "Female Powerbrokers Q&A: Hausfeld's Megan Jones," April 30, 2014; see also Chambers and Partners' description of Ms. Jones as "personable, very smart and capable." She is known for creating effective multi-firm teams that focus with laser-like precision on the specific litigation strategy designed with input from diverse sources. She is also known for her relentless pursuit of the facts, and is wellCase 2:24-md-03113-JXN-LDW Document 19-2 Filed 08/08/24 Page 43 of 135 regarded for her electronic discovery prowess (speaking others on best practices via the prestigious

regarded for her electronic discovery prowess (spearled that ing others on best practices via the prestigious Sedona Conference®).

Whether leading enormous cases with 20+ defendants or small regional matters, Ms. Jones masters the intricacies of economic markets and works with experts to develop economic models for her clients' recovery, which support class certification motions, settlement negotiations, and discovery efforts. Megan prides herself on the ability to create and lead teams of lawyers of any size (having organized teams of 80 law firms, in one particular case) to create a record that either wins the case, drives settlement, and /or obtains a decision upheld at the appellate level. Part of Megan's success is due to her belief in using diverse and inclusive litigation teams, which she has helped foster over a decade by creating and running a conference for women antitrust lawyers to exchange best practices.

Megan is both reasonable and relentless. She carefully chooses her legal battles, and eschews gamesmanship for the sake of gamesmanship. Mindful of scarce judicial resources in complex antitrust cases that can last years, she develops a strategy at the outset about what particular legal issues need judicial attention and clears the board of the rest. She is highly respected from all contingents because she brings that same strategy to settlements, using her almost two decades of negotiation experience from being at Hausfeld to craft settlement strategy and terms in even the most difficult cases. Just one example of this creativity is that in one of her cases, Megan worked with and joined Select State Attorneys General to co-negotiate and jointly settle a class claim on behalf of certain states as well as the civil litigation class.

[1] https://podcast.ourcuriousamalgam.com/episode/48-how-do-you-get-to-the-final-yes/ (ABA's Antitrust Section podcast, featuring Megan Jones, May 2020).

Clients

Companies that buy things to make things have typically bought cartelized products, and Megan helps them recover damages for such purchases. Able to analyze a corporation's purchases around the world, Megan can then offer a panoply of options for recovery in multiple jurisdictions. She emphasizes the non-litigation options a corporation has when appropriate, and she is as adept at settling a case in a conference room as she is in a courtroom.

EDUCATION

University of North Carolina at Chapel Hill School of Law, J.D., 1999

North Carolina State University, magna cum laude, B.A., 1995

BAR ADMISSIONS

California

District of Columbia

North Carolina

AFFILIATIONS

American Antitrust Institute, Board of Directors

American Bar Association - Antitrust Section, Appointed Council Member (2021-22)

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American Bar Assocation - Antitrust Section's Communications and Digital Technology Industries Committee, Vice Chair

American Bar Association - Antitrust Section's Global Private Litigation Committee Invited Member of the Leadership Team (2019-Present)

American Bar Assocation - Antitrust Section's Global Private Litigation Committee, Vice Chair

American Bar Association - Antitrust Section's Media and Technology Committee, Vice Chair

Forum on Antitrust Litigation, Chairwoman

HiPower Alumni Network, Ring 7

Incubator for Women Leaders, The Club, Silicon Valley

The Sedona Conference®, Member

Women Antitrust Plaintiffs' Attorney Network Group, Founder

WHAT OTHERS SAY

American Antitrust Institute

 Outstanding Antitrust Litigation Achievement in Private Law Practice, an honor she received as one of the leaders of the In re Blue Cross Blue Shield Antitrust Litigation case team in 2021

Benchmark Litigation

- California Litigation Star, Antitrust/Competition since
- 2021 Local Litigation Star, Antitrust/Competition since 2021
- Litigation Star, Antitrust/Competition, 2023

"Megan Jones in the San Francisco office has been identified by several peers as 'a leader at Hausfeld now." (Benchmark Litigation, Dispute Resolution, 2021)

Best Lawyers

- Best Lawyer since 2023
 - Antitrust Law

Chambers

- Band 1, Antitrust: Plaintiff Nationwide since 2021
- Band 1, Antitrust: Mainly Plaintiff California since 2021
- Band 2, Antitrust: Plaintiff Nationwide in 2020
- Band 2, Antitrust: Mainly Plaintiff California in 2019 and 2020

A source reported that, "Megan excels in any project or task she takes on." (Chambers Antitrust: Mainly Plaintiff - California, 2021)

Megan Jones deftly represents plaintiffs in significant anticompetitive disputes. She has expertise in cases concerning price fixing and trade restraints." The publication also noted that "Megan Jones is commended for her expertise in representing corporate plaintiffs in cartel recovery actions. She is further noted for her work leading large class action cases. Sources state that 'Megan is a very good, diligent lawyer who considers the big picture.'" (Chambers Antitrust: Mainly Plaintiff - California, 2020)

Megan is "personable, very smart and really capable," and "well respected at the California Bar for her plaintiff-side antitrust practice." (Chambers Antitrust: Mainly Plaintiff - California, 2019)

Global Competition Review

- 'Women in Antitrust' list in 2021
- Litigation of the Year Cartel Prosecution in 2021: an honor she received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team.

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Law360

- <u>Titan of the Plaintiffs Bar</u> in 2021
- Female Powerbroker in her field in 2014
- Rising Star, Competition Law in 2012

Lawdragon

- 500 Leading Lawyers in America since 2019
- 500 Leading Plaintiff Financial Lawyers since 2019

Legal 500

- Hall of Fame since 2020 described by the Legal 500 as "including individuals who have received constant praise from their clients for continued excellence."
- Leading Lawyer Civil Litigation/Class Action: Plaintiff since 2012
- Leading Lawyer Plaintiffs' Representation for Antitrust since 2012

"Megan Jones is a superstar - creative, thoughtful, dynamic." (Legal 500 US, Antitrust - Civil Litigation/Class Actions, 2024)

"In San Francisco, Megan Jones stands out for her expertise in antitrust cartels, regularly procuring settlements for clients." (Legal 500 US, Antitrust - Civil Litigation/Class Actions, 2021)

National Law Journal

• Firm named an Elite Trial Lawyer Awards winner in the Antitrust category, an honor received as a result of the successful outcome of *In re Blue Cross Blue Shield Antitrust Litigation*, in which Megan was a case team leader.

Super Lawyers

- Super Lawyer, Antitrust Litigation in San Francisco since 2017
- Super Lawyer, Antitrust Litigation in Washington, DC since 2012

Who's Who Legal

- Thought Leader, USA: Competition, since 2023
- Global Elite Thought Leader, Competition: Plaintiff since 2018
- Recommended, Competition: Plaintiff since 2016
- International Who's Who of Competition Lawyers & Economists by the Global Competition Review and Who's Who Legal in 2014

"Megan is a smart and aggressive plaintiffs' counsel who has led many cases and obtained excellent results." (Who's Who Legal, Competition - Plaintiff 2023)

"The 'incredibly talented' Megan Jones is singled out by peers as 'a true leader' and is widely endorsed as 'one of the very best plaintiff counsel'." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2022)

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"The 'fantastic' Megan Jones is a distinguished figure 1990 No. American competition market. Sources describe her as a 'future leader' of the field who 'is blazing a trail for younger women in the profession,' and is highly respected from all contingents." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2020)

A "trailblazer" who is "highly respected from all contingents" with "extraordinary depth of expertise in cartel-related matters." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2018)

Other

- Named to the '40 in Their 40s' list of notable women competition professionals by W@ in 2019
- Outstanding Antitrust Litigation Achievement in Private Law Practice: an honor she received by the American Antitrust Institute in 2016
- Nominated Changemaker, White House's United State of Women Summit, 2016
- Selected to speak at the American Bar Association's 8th National E-Discovery Institute in 2014, where nationally-acclaimed e-discovery professionals convened for a full day to analyze and discuss the latest developments and best strategies for managing the e-discovery process.
- 100 Successful Women in Antitrust by the Global Competition Review in 2013
- Named one of just fourteen female 'Equity Champions' by Burford Capital since 2018 Burford Capital is a leading global finance and investment management firm focused on law, which launched The Equity Project in 2018. This is a groundbreaking initiative designed to help close the gender gap in law by providing an economic incentive for change through a \$50 million pool of capital earmarked for financing commercial litigation and arbitration matters led by women.
- Deemed one of the "nation's best lawyers in an MDL" and a "professional problem solver," Transcript of August 30, 2018 Hearing at 23, *In re Blue Cross Blue Shield Antitrust Litig.*, No. 2:13-cv-20000 (N.D. Ala.).

EXPERIENCE

Antitrust/Competition

- In re Blue Cross Blue Shield Antitrust Litigation In which Megan has been appointed to the Plaintiffs' Steering
- In re Local TV Advertising Antitrust Litigation In which Megan has been appointed Lead Counsel.
- In re Diisocyanates Antitrust Litigation In which Megan has been appointed Co-lead Counsel.
- In re Municipal Derivatives Antitrust Litigation Resulted in over \$200 million on behalf of the class.
- In re Polyester Staple Antitrust Litigation Resulted in \$63.5 million on behalf of class.
- In re Compact Disc Antitrust Litigation Resulted in over \$50 million on behalf of class.
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- Megan was also involved in the negotiation of a \$300 million global settlement with Bayer (which resolved three
 cases: EPDM, Rubber Chemicals and NBR), and drafted the innovative settlement agreement itself.

Partner

Washington, DC

she / her / hers

+1 202 540 7159

https://www.linkedin.com/in/sarahlafreniere/



OVERVIEW

Sarah is a dynamic litigator recognized for her innovative problem-solving skills and collaborative approach in resolving complex legal matters. Drawing from extensive experience in antitrust litigation, she has established herself as a formidable advocate, adept at navigating disputes both in and out of court. Sarah focuses on achieving optimal outcomes for her clients, advocating earnestly while seeking efficient and practical resolutions.

Specializing in representing victims of anticompetitive conduct, Sarah's client portfolio ranges from startups to established enterprises and state entities. Sarah is recognized for her expertise in handling unilateral conduct claims and Section 2 of the Sherman Antitrust Act, helping companies navigate exclusionary tying agreements, restrictive exclusive deals, and other unlawful exercises of monopoly power. She passionately advocates on behalf of nascent competitors and small businesses affected by monopolistic practices, particularly market innovators and sector pioneers challenging established institutions. She has represented software companies whose groundbreaking ideas were sherlocked by dominant enterprises, non-profit organizations unable to obtain products due to competitors' restrictive covenants, and consumers who overpaid for collusively or monopolistically overpriced goods.

In seeking solutions for victims of anticompetitive conduct, Sarah is known for her ability to think outside the box and develop innovative legal approaches under existing legal doctrines—while helping clients determine whether or not litigation is the right solution to their complex business disputes.

As Managing Editor of Hausfeld's Competition Bulletin, Sarah contributes to discourse and thought leadership on competition law, providing insights into noteworthy investigations, judgments, and regulatory decisions. Her global legal expertise enables her to effectively represent clients in cross-border disputes and facilitate discovery for non-U.S. clients through 28 U.S.C. § 1782. Additionally, Sarah is an active participant in e-discovery discourse, speaking and writing on new technologies and staying informed of the most current approaches to e-discovery problems.

Sarah is well respected by across the bar for her emphasis on collaboration and communication within and across legal teams. She excels at bringing together diverse talents and perspectives, creating an environment where everyone feels valued and motivated to contribute their best. Managing the day-to-day complexities of cases with dozens of parties and hundreds of lawyers, Sarah is sought out for her project management expertise. Her approachable demeanor and open communication style make her an effective advocate, not only for her clients and teams but also in fostering productive dialogue and resolution with opposing parties.

EDUCATION

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University of Ottawa, J.D., cum laude, 2014

McMaster University, BA, Hons., summa cum laude, 2008

BAR ADMISSIONS

District of Columbia

New York

United States Court of Federal Claims

United States District Court for the District of Columbia

United States District Court for the Southern District of New York

AFFILIATIONS

Administrative Law Review, Senior Note and Comment Editor (2013-2014)

American Bar Association Antitrust Law Section, Vice Chair, Books and Treatises Committee (2023-2024)

American Bar Association Antitrust Law Section, Vice Chair, Civil Practice and Procedure Committee (2020-2022)

American Bar Association Antitrust Law Section, Young Lawyer's Representative, Civil Practice and Procedure Committee (2019-2020)

American Bar Association Antitrust Law Section, Member (2019-present)

United States Court of Federal Claims, Judicial law clerk to the Honorable Victor J. Wolski (2014-2015)

Prior to law school, Sarah worked for the Canadian Member of Parliament Scott Reid, and in that role served as the Associate Director of the Canadian Parliamentary Coalition for Combating Antisemitism.

WHAT OTHERS SAY

National Law Journal

• Rising Star, Elite Trial Lawyers, 2022

American Antitrust Institute

• Outstanding Antitrust Litigation Achievement by a Young Lawyer: an honor she received in 2018 for her work on In re Foreign Exchange Benchmark Rates Antitrust Litigation.

Best Lawyers

- One to Watch since 2020
 - Antitrust Law
 - Litigation Antitrust

Law360

• Rising Star, Competition Law in 2019

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Super Lawyers

• Rising Star, Antitrust Litigation in Washington, DC since 2020

Other

• Recipient of The Mussey Prize for the Highest Scholastic Average in the Final Year of Study by the American University Washington College of Law.

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✓ EXPERIENCE

Antitrust/Competition

- In re Apple Inc., Smartphone Antitrust Litigation Hausfeld represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.
- PHHHOTO Inc., v. Meta Platforms, Inc. (F/K/A Facebook, Inc.) Sarah represents PHHHOTO Inc., an upstart photo app that alleges Facebook engaged in an anticompetitive course of conduct to force PHHHOTO out of business.
- In re Diisocyanates Antitrust Litigation Sarah represents a class of manufacturers in claims against major industrial suppliers for conspiring to artificially inflate prices of the chemicals methylene diphenyl diisocyanate (MDI) and toluene diisocyanate (TDI).
- In re Foreign Exchange Benchmarks Rates Antitrust Litigation Sarah represents market participants in the foreign exchange market against international banks alleged to have fixed the price of foreign exchange instruments.
- 2301 M Cinema LLC d/b/a West End Cinema et al v. Silver Cinemas Acquisition Co. et al. Sarah represented art house cinemas in a successful settlement against a nationwide theater chain for monopolizing the market for specialty films.
- In re Apple Inc., Smartphone Antitrust Litigation Hausfeld represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.

Commercial & Financial Disputes

- Commonwealth of Virginia, ex. rel. Joshua Harman, v. Trinity Industries, Inc. Sarah represents whistleblower who has brought claims on behalf of the Commonwealth of Virginia alleging fraudulent sales of guardrail end terminals in violation of Virginia's Fraud Against Taxpayer's Act.
- VW "Clean Diesel" Litigation Sarah represents European consumers in Germany and elsewhere seeking damages from Volkswagen AG in relation to that company's massive "clean-diesel" fraud. Sarah has been at the forefront of litigation pursuant to 28 U.S.C. § 1782, seeking to obtain evidence through U.S. discovery mechanisms for use in the European litigation.
- Medicare Fraud Sarah represents confidential whistleblowers in claims under the False Claims Act who have witnessed fraudulent conduct by health care companies resulting in unlawful billing under Medicaid and Medicare.

Commercial & Financial Disputes

• Commonwealth of Virginia, ex. rel. Joshua Harman, v. Trinity Industries, Inc. - Sarah represents whistleblower who has brought claims on behalf of the Commonwealth of Virginia alleging fraudulent sales of guardrail end terminals in violation of Virginia's Fraud Against Taxpayer's Act.

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- VW "Clean Diesel" Litigation Sarah represents European consumers in Germany and elsewhere seeking damages from Volkswagen AG in relation to that company's massive "clean-diesel" fraud. Sarah has been at the forefront of litigation pursuant to 28 U.S.C. § 1782, seeking to obtain evidence through U.S. discovery mechanisms for use in the European litigation.
- Medicare Fraud Sarah represents confidential whistleblowers in claims under the False Claims Act who have witnessed fraudulent conduct by health care companies resulting in unlawful billing under Medicaid and Medicare.

Case 2:24-md-03113-JXN-LDW **Michael P. Lehmann**

Partner

San Francisco

+1 415 633 1909

https://www.linkedin.com/pub/michaellehmann/2a/742/6a Document 19-2 Filed 08/08/24 Page 51 of 135 PageID: 630



OVERVIEW

In 1978, before joining Hausfeld, Michael joined the Furth, Fahrner & Mason law firm and began practicing antitrust and business litigation. He was at that firm until 2007; it was the Furth & Lehmann firm when he left, with him having achieved the title of Managing Partner. In 2007, Michael left the Furth firm to set up the San Francisco office of Cohen Milstein, Hausfeld & Toll, where he was a partner. When the separate Hausfeld firm was created in November of 2008, he left Cohen Milstein and joined Hausfeld as one of the founding partners and has worked there ever since.

For over four decades, Michael played significant roles (including several co-lead positions) on the plaintiffs' side in major antitrust class actions, such as the HIV Antitrust Litigation, the Packaged Seafood Products Antitrust Litigation, the Farm-Raised Salmon and Salmon Products Antitrust Litigation, the Automatic Card Shufflers Litigation, the California Gasoline Spot Market Antitrust Litigation, the Disposable Contact Lens Antitrust Litigation, the Transpacific Passenger Air Transportation Antitrust Litigation, the NCAA Student-Athlete Name And Licensing Litigation, the Brand Name Prescription Drug Antitrust Litigation, the Dynamic Random Access Memory (DRAM) Antitrust Litigation, the Static Random Access Memory (SRAM) Antitrust Litigation, the Cathode Ray Tube (CRT) Antitrust Litigation, the TFT-LCD (Flat Panel) Antitrust Litigation, the Cosmetics Antitrust Litigation, the Processing Units (GPU) Antitrust Litigation, the Compact Disc Minimum Advertised Price Antitrust Litigation, the Publication Paper Antitrust Litigation, the High Pressure Laminates Antitrust Litigation, the Bristol Bay Salmon Fishery Antitrust Litigation, and the Intel Microprocessor Antitrust Litigation.

His current work includes recently filed antitrust cases involving leading manufacturers of concrete admixtures, leading manufacturers of granulated sugar, Google LLC, and Apple Inc.

Clients

During the first part of his career at the Furth firm, Michael did extensive defense work for a varied roster of clients, such as the Santa Fe Southern Pacific Railway Co., Sprint Communications Co., Kellogg Co., Grolier Inc., News Inc., Columbia Pictures, Georgia-Pacific Co., and William Sullivan (former owner of the New England Patriots). He was among those representing these entities as either defendants in class action antitrust litigation, plaintiffs in individual antitrust cases, defendants in proceedings brought by the Federal Trade Commission, petitioners in proceedings before the United States Food and Drug Administration, or respondents in arbitration proceedings before the International Chamber of Commerce. During this phase of his career, Michael helped Kellogg defeat a charge by the FTC that it and other ready-to-eat cereal companies engaged in a "shared monopoly" and wrote submissions to the FDA that caused it to permit certain types of health claims on food labels.

Hastings College of the Law, J.D., 1977

University of California at Berkeley, A.B., 1974

BAR ADMISSIONS

California

AFFILIATIONS

American Bar Association, Member

WHAT OTHERS SAY

American Antitrust Institute

 Outstanding Antitrust Litigation achievement in Private Law Practice in 2023 for Olean Wholesale Foods Inc. v. Bumble Bee Foods Inc

Best Lawyers

- Best Lawyer since 2013
 - Antitrust Law
 - Litigation Antitrust

Global Competition Review

- · Outstanding Antitrust Litigation Achievement in Private Law Practice, an honor he received twice:
 - As part of the In re Blue Cross Blue Shield Antitrust Litigation case team in 2021
 - As part of the In re Foreign Exchange Benchmark Rates Antitrust Litigation case team in 2015

Lawdragon

- Hall of Fame since 2022 described by Lawdragon as "outstanding lawyers who have made remarkable contributions as leaders, litigators, dealmakers, power brokers, judges and innovators."
- 500 Leading Plaintiff Financial Lawyers since 2019

Legal 500

Recommended Lawyer, Antitrust - Civil Litigation/Class Actions: Plaintiff in 2019

Super Lawyers

• Super Lawyer, Antitrust Litigation in San Francisco since 2011

Who's Who Legal

- Thought Leader, USA: Competition, since 2023
- Recommended Lawyer, Competition: Plaintiff since 2018
- Global Leader, Competition: Plaintiff in 2019 & 2023
- Thought Leader, Competition: Plaintiff in 2023

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"Michael Lehmann possesses over 40 years of experience in the antitrust arena and regularly handles major antitrust class actions." (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2022)

Other

• Recipient of the Martindale-Hubbell Judicial AV Preeminent rating year-after-year.

EXPERIENCE



Antitrust/Competition

- In re HIV Antitrust Litigation
- In re Automatic Card Shufflers Litigation
- In re California Gasoline Spot Market Antitrust Litigation
- In re Packaged Seafood Products Antitrust Litigation
- In re Inductors Antitrust Litigation
- In re Disposable Contact Lens Antitrust Litigation
- In re Aftermarket Automotive Lighting Products Antitrust Litigation
- In re Municipal Derivatives Antitrust Litigation
- In re Transpacific Passenger Air Transportation Antitrust Litigation
- In re International Air Transportation Surcharge Antitrust Litigation
- In re Blue Cross & Blue Shield Antitrust Litigation
- NCAA Student-Athlete Name & Licensing Litigation
- In re Optical Disk Drive Antitrust Litigation
- In re Fresh & Process Potatoes Antitrust Litigation
- In re Rail Freight Fuel Surcharge Antitrust Litigation
- In re Diisocyanates Antitrust Litigation
- In re Farm-Raised Salmon and Salmon Products Antitrust Litigation

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Scott Martin

Partner

New York

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https://www.linkedin.com/pub/scott-martin/10/100/747



OVERVIEW

Scott is Co-Chair of the firm's Antitrust practice group. Scott's perspective is a unique one, as prior to joining the firm in 2015, he played major roles in defending antitrust and class action cases as a partner in two leading international law firms. Over the course of more than 25 years, he also has negotiated resolutions of numerous regulatory investigations and actions on behalf of corporate clients. Scott's practice extends to bench and jury trials in both federal and state courts, complex federal multidistrict actions, class actions involving direct and indirect purchasers, *parens patriae* cases, FTC and DOJ investigations as well as other regulatory actions, and *qui tam* litigation.

Clients

Scott has two decades of counseling experience across a broad range of industries on pricing, distribution, competitive intelligence, joint ventures, and non-compete agreements, among other competition issues, and has designed antitrust compliance programs for some of the world's largest corporations.

EDUCATION

Stanford Law School, J.D., 1990

Stanford University, A.B., with honors, 1987

BAR ADMISSIONS

District of Columbia

New York

Supreme Court of the United States

Numerous Federal District and Circuit Courts

AFFILIATIONS

American Bar Association, Antitrust Law Section, Programs Officer (2021-22)

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• Previous positions include: Secretary and Communities of Sides, Council member, Chair of Trial Practice Committee, Chair of Civil RICO Committee, Chair of Global Private Litigation Conference, and Editorial Board of Antitrust Law Developments, (among others)

American Bar Foundation, Fellow

Law360, Editorial Board (Competition) (2012-2018)

Litigation Counsel of America, Fellow

New York State Bar Association, Antitrust Section, Executive Committee

WHEDco, Treasurer and Board of Directors member (leading Bronx non-profit housing, educational and community development organization)

WHAT OTHERS SAY

American Antitrust Institute

Outstanding Antitrust Litigation Achievement in Private Law Practice, an honor he received as part of the In re
Blue Cross Blue Shield Antitrust Litigation case team in 2021

Best Lawyers

- Best Lawyer since 2012
 - Antitrust Law
 - Litigation Antitrust

A past client commented, "I was extremely impressed with his knowledge and attentiveness as well as his ability to truly enjoy servicing his client in a productive and cost-effective manner."

Chambers

- Band 1, Antitrust: Mainly Plaintiff, New York since 2015
- Leading Lawyer since 2006

Sources reported, "He's an expert in antitrust and how it's applied from a commercial perspective. He's an incredible partner." "He has a great reputation and is very collegial." "He is a very good plaintiffs' lawyer." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2021)

"Co-chair of the antitrust group, Scott Martin lends plaintiff clients his cutting-edge expertise in antitrust litigation honed over years of defense-side representation. He regularly appears in state and federal jury and bench trials in the most complex of matters." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2020)

Global Competition Review

• Litigation of the Year - Cartel Prosecution in 2021: an honor he received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team.

Lawdragon

- 500 Leading Plaintiff Financial Lawyers since 2019
- 500 Leading Lawyers in America in 2021

Legal 500

• Recommended Lawyer, Antitrust - Civil Litigation/Class Actions: Plaintiff since 2015

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"Scott Martin is a powerhouse." (Legal 500 US, Antique Lei Martin is a powerhouse." (Legal 500 US, Antique Lei Martin is a powerhouse." (Legal 500 US, Antique Lei Martin is a powerhouse.")

"Scott Martin is an all-star lawyer." (Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2023)

Sources have stated that Scott is "friendly, engaging, and spot-on," that "he is extremely polished, an expert in the field and a pleasure to work with," and that "Melinda Coolidge and Scott Martin go above and beyond at all hours to provide the best level of customer service. They are always there with an explanation." (Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2020)

Super Lawyers

• Super Lawyer, Antitrust Litigation in New York since 2006

Other

- Outstanding Antitrust Litigation Achievement in Private Law Practice: an honor he received by the American Antitrust Institute in 2016 for *In re Air Cargo Antitrust Litigation*.
- International Who's Who of Competition Lawyers and Economists, Lawdragon, International Who's Who of Business Lawyers, and others often reflect recognition of Scott's work by his peers.

Clients, colleagues, and adversaries have referred to Scott in print variously as a "terrifically talented and surefooted litigator" and "an astute operator who always adds value to proceedings" while also serving as a "business-oriented lawyer who looks to see what the overall issues are and determines how best to approach the representation of those interests, including common sense approaches to exit strategies where feasible."

EXPERIENCE

Antitrust/Competition

- In re National Football League's "Sunday Ticket" Antitrust Litigation Scott serves as co-lead counsel on behalf of businesses against DirecTV, a leading provider of digital entertainment in the United States, and the National Football League ("NFL"), alleging that the NFL's exclusive agreement to allow DirecTV to broadcast out-of-market Sunday NFL football games violated the antitrust laws.
- In re Libor-Based Financial Instruments Antitrust Litigation Class action lawsuit alleging a global conspiracy by some of the world's largest financial institutions to manipulate LIBOR. The manipulation of LIBOR, which is the primary benchmark for short-term interest rates for trillions of dollars-worth of financial transactions worldwide, is alleged to have caused billions of dollars in damage to municipalities, businesses, and investors.
- In re Blue Cross Blue Shield Antitrust Litigation In one of the largest and most complex antitrust class action cases ever litigated, Scott represented tens of millions of subscriber plaintiffs alleging higher premiums and loss of competition in the market for health insurance due to a conspiracy among 36 insurer defendants to allocate geographic territories. In November 2020, the Court granted preliminary approval to the proposed settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for \$2.67 billion. The settlement was unanimously affirmed by the Eleventh Circuit, and in June 2024, the U.S. Supreme Court declined any further review, paving the way for the distribution of billions of dollars to subscribers nationwide, along with systemic changes to BCBS practices that will create opportunities for more competition.
- Core-Mark NY CMSA Litigation Multi-plaintiff action asserted against leading distributors of cigarettes and other consumer goods in New York under the Cigarette Marketing Sales Act.
- Scott regularly presents compliance talks to businesspersons at industry-leading apparel, industrial, retailing, and distribution clients.
- Scott currently is providing competition advocacy before the Federal Trade Commission and merger advice to a Fortune 100 company.

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Environmental & Product Liability

• SCWA v. Dow, et al. and SCWA v. 3M Company, et al. - Scott is currently representing the largest municipal groundwater provider in the United States for recovery in various water contamination matters.

Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- · Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

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Nick Murphy

Of Counsel Washington, DC

murphy@hausfeld.com

+1 202 849 4143



OVERVIEW

Nick is Of Counsel in Hausfeld's Washington, D.C. He is an experienced investigative and trial attorney with significant first-chair trial experience and an extensive background in handling high stakes criminal and civil matters. He is a former federal prosecutor who has successfully tried both jury and bench trials to guilty verdicts, including handling sensitive and high-profile federal matters on behalf of the United States to achieve racial and social justice and vindicate the rights of victims and impacted communities, including prosecuting hate crimes and police misconduct and RICO gang prosecutions. Most recently he was of counsel at a large global law firm where he represented clients involved in litigation across a number of industries including cryptocurrency, technology and online platforms, FCPA and regulatory compliance. Nick combines zealous advocacy, creativity, and a demonstrated expertise in handling high-stakes criminal and civil enforcement and litigation matters in his practice at Hausfeld.

Prior to representing clients in private practice, Nick served for 6 years as an Assistant United States Attorney in the United States Attorney's Office for the Eastern District of Virginia's Alexandria Division, where he investigated and prosecuted violent crimes and civil rights crimes, including investigations involving the use of wire-taps and translating, decoding and interpreting surreptitious communications related to large-scale trafficking of firearms and narcotics. Nick also served as the Alexandria Division's Project Safe Neighborhood coordinator, which is a federal program devoted to reducing violent crime.

Prior to joining the USAO, Nick served for 7 years as an Honor's Program Trial Attorney in the Department of Justice's Civil Rights Division. He worked on criminal matters in the Criminal Section, focused on hate crimes and police misconduct, and worked on civil matters in the Educational Opportunities Section, focused on desegregation, Title IX equality, bullying and harassment, and the school to prison pipeline. Representative matters from his time at DOJ include the investigation of Dylann Roof for the murders of African-Americans at a church in Charleston, the investigation, prosecution, and conviction at trial of a sheriff's deputy for the use of excessive force on a detainee, and the investigation and entry of a consent decree with City of Philadelphia Public Schools to resolve bullying of Asian-American students at a local high school.

Nick received his Bachelor of Arts degree in Government from Dartmouth College and his law degree from the University of Pennsylvania Law School, where he served as an editor on the Law Review. After law school, Nick clerked for the Honorable Petrese B. Tucker of the United States District Court for the Eastern District of Pennsylvania.

Working towards a diverse, equitable, and inclusive world is paramount to Nick who is an active member of our Racial Justice working group and Diversity, Equity, and Inclusion committee. He is also a frequent speaker on issues relating to civil rights and government investigations.

Clients

Nick represents clients seeking recoveries for antitrust and consumer protection violations in complex civil litigations.

EDUCATION

University of Pennsylvania Carey Law School, J.D., 2008

Wharton School of Business, Certificate in Business Economics and Public Policy, 2008

Dartmouth, B.A., Government, 2002

BAR ADMISSIONS

District of Columbia

New York

United States District Courts for the Eastern District of New York

United States District Courts for the District of Columbia

United States Court of Appeals for the Fourth Circuit

AFFILIATIONS

American Bar Association - Antitrust Section, Member (since 2024)

WHAT OTHERS SAY

FBI Service Award, 2019, USAO EDVA

Attorney General Special Achievement Award, 2010 and 2014, DOJ Civil Rights Division

Attorney General Outstanding Service Commendation, 2011, DOJ Civil Rights Division

EXPERIENCE

Antitrust/Competition

• In re Apple Inc., Smartphone Antitrust Litigation - Hausfeld represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.

Case 2:24-md-03113-JXN-LDW **Daniel P. Weick**

Of Counsel New York

he/him/his

+1 646 357 1100

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OVERVIEW

Dan is Of Counsel in Hausfeld's New York office with experience representing clients in all phases of federal antitrust litigation from case inception through trial, appeal, and judgment enforcement proceedings. Dan has also represented complainants and third-parties in numerous government antitrust investigations concerning collusion, unilateral conduct, and potentially anticompetitive mergers.

Dan's practice has focused on antitrust matters in the technology and life sciences industries. In the technology space, he has advised companies regarding complaints about mobile app payment and distribution restrictions, supervised government investigations in social networking and other tech markets, and litigated issues of platform access, abuse of software IP, and deception of standards setting organizations, among many other questions. He has likewise represented plaintiffs in litigation challenging practices that restrain generic pharmaceutical entry such as product hopping, abuse of restricted distribution agreements, and deception of regulatory authorities.

Immediately prior to joining Hausfeld, Dan served as Special Litigation Counsel in the New York State Office of the Attorney General's Antitrust Bureau where his responsibilities included providing leadership for multi-state antitrust investigations, as well as formulating and executing on antitrust litigation strategy. Prior to his government service, he worked for over a decade in private practice, where he represented clients in litigation matters before federal district and circuit courts around the country and before the U.S. Supreme Court, as well as in investigations by the U.S. Department of Justice Antitrust Division, the Federal Trade Commission, state attorneys general, the European Commission, and multiple other international enforcers.

In addition to his legal training and practice experience, Dan completed an MPA in Economic Policy Management program at Columbia University's School of International and Public Affairs (SIPA) in 2021, where he developed quantitative policy and economic analysis skills that allow him to effectively bridge the gap between the legal and economics teams in developing the economic and statistical evidence essential to modern antitrust litigation. He also serves as a member of the Editorial Board of the *Antitrust Law Journal*, where he participates in the peer-review and editing of new scholarship on cutting-edge antitrust issues.

Working towards a diverse, equitable, and inclusive world is paramount to Dan who is an active member of our LGBTQ+ Alliance working group.

Clients

Dan represents clients seeking recoveries for antitrust and consumer protection violations in complex civil litigations.

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EDUCATION

Columbia University, M.P.A., Economic Policy Management, 2021

New York University, J.D., 2009

Case Western Reserve University, B.A., English & French, summa cum laude, 2005

BAR ADMISSIONS

New York

United States Supreme Court

United States Court of Appeals for the First, Second, Third, Ninth, D.C., and Federal Circuits

United States District Court for the Southern and Eastern Districts of New York

AFFILIATIONS

American Bar Association - Antitrust Law Section, Assistant Editor Antitrust Law Journal (2022 - Present)

American Bar Association - Antitrust Law Section, Vice Chair Unilateral Conduct Committee (2019 - 2022)

American Bar Association - Antitrust Law Section, Vice Chair Economics Committee (2016 - 2019)

American Bar Association - Antitrust Law Section, Member (2009 - Present)

WHAT OTHERS SAY

Global Competition Review

• Part of case team that won the 2018 *Global Competition Review* award for Litigation of the Year (Non-Cartel Prosecution) for *Amphastar Pharmaceuticals, Inc. v. Momenta Pharmaceuticals, Inc.*

EXPERIENCE

Antitrust/Competition

- In re Apple Inc., Smartphone Antitrust Litigation Dan represents a class of direct purchasers seeking recovery for alleged monopolization of smart phones.
- United States v. ASSA ABLOY AB Dan supports the monitoring trustee appointed under the final judgment in a government enforcement action against an allegedly anticompetitive merger.
- In re Cattle & Beef Antitrust Litigation Dan represents direct purchasers seeking recovery from an alleged conspiracy by U.S. beef processors to limit beef production.

- *In re Diisocyanates Antitrust Litigation* Dan representational price-fixing cartel.
- Amphastar Pharmaceuticals, Inc. v. Momenta Pharmaceuticals, Inc. At a prior firm, Dan represented a company alleging deception of the U. S. Pharmacopeia in connection with standards setting for a biopharmaceutical product, including drafting the winning briefs for an appeal that the Global Competition Review named Litigation of the Year (Non-Cartel Prosecution).
- Mylan Pharmaceuticals, Inc. v. Celgene Corporation At a prior firm, Dan represented a company alleging abuse of the Food & Drug Administration's Risk Evaluation & Mitigation Strategies program to block generic entry on important cancer medications.

Case 2:24-md-03113-JXN-LDW **Theodore F. DiSalvo**

Associate

Washington, DC

+1 202 849 4778

https://www.linkedin.com/in/theodore-f-disalvo-07b5984b/



OVERVIEW

Ted's practice focuses on antitrust enforcement, sports and entertainment, civil and human rights litigation, and consumer protection. He joined Hausfeld for its excellence as an elite litigation boutique and commitment to pursuing justice.

Before joining Hausfeld, Ted worked at in the Washington, D.C. office for a global law firm, working where he practiced complex commercial litigation and antitrust in both state and federal trial and appellate courts.

Clients

Ted has represented a wide range of clients, including consumers and businesses in individual actions and class actions, whistleblowers in qui-tam actions, and military service members.

EDUCATION

Duke University Law School, J.D., 2018

University of St Andrews, M.Litt. in Moral, Political, and Legal Philosophy, 2015

Washington College, B.A. in Political Science and Philosophy, 2014

BAR ADMISSIONS

District of Columbia

Maryland

United States District Court for the District of Maryland

United States Court of Appeals for the Fourth Circuit

United States Court of Appeals for the Eleventh Circuit

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AFFILIATIONS

American Bar Association: Section of Young Lawyers, Section for Litigation, and Section for Civil Rights and Social Justice, Member

Duke Journal of Comparative & International Law, Editor-in-Chief, Vol. 28

Judicial Intern to the Honorable Richard J. Leon (2016)

Maryland State Bar Association, Member

USILA Scholar-All American (2014)

EXPERIENCE

Antitrust/Competition

• In re Rail Freight Fuel Surcharge Antitrust Litigation - Serving as counsel to rail-freight shippers in a high-profile antitrust case concerning alleged fuel-surcharge collusion among the nation's largest rail-freight carriers

Commercial & Financial Disputes

- Christopher Corcoran, et al. v. CVS Pharmacy, Inc. Ted is a member of the trial team in a multi-state class action, alleging that CVS Pharmacy overcharged insured customers on co-payments for generic prescription drugs.
- In re Ford Motor Co. F-150 and Ranger Truck Fuel Economy Marketing and Sales Practice Litigation A class action on behalf of consumers alleging deceptive and unfair practices regarding numerous Ford truck models.

Human Rights

- Ted is actively involved in a number of civil and human rights matters involving constitutional and international law. He has previously worked on an Amicus Brief for the Supreme Court on the topic of the Second Amendment.
- Ted's pro-bono practice includes working with military service members with disabilities pursuing Combat-Related Special Compensation.

Technology & Data Breach

• In re Capital One Consumer Data Security Breach Litigation - A class action on behalf of consumers over a data breach of sensitive personal information.

Exhibit D

SUSMAN GODFREY

ANTITRUST CLASS ACTIONS – LEAD COUNSEL APPOINTMENTS

Case Name	Leadership Position
In re Qualcomm Antitrust Litigation (N.D. Cal.)	Co-Lead Counsel
In re Automotive Parts Antitrust Litigation (E.D. Mich.)	Co-Lead Counsel
In re Libor-based Financial Instruments Antitrust Litigation (S.D.N.Y.)	Co-Lead Counsel
In re Dental Supplies Antitrust Litigation (E.D.N.Y.)	Co-Lead Counsel
In re NFL Sunday Ticket Antitrust Litigation (C.D. Cal.)	Co-Lead Counsel
In re Animators Antitrust Litigation (N.D. Cal.)	Co-Lead Counsel
In re Korean Air Lines Antitrust Litigation (C.D. Cal.)	Co-Lead Counsel
In re NYC Bus Tour Antitrust Litigation (S.D.N.Y.)	Lead Counsel
In re Vitamin C Antitrust Litigation (E.D.N.Y.)	Co-Lead Counsel
Behrehnd et al. v. Comcast (E.D. Pa.)	Co-Lead Counsel
White v. NCAA (C.D. Cal.)	Co-Lead Counsel
Moehrl, et al., v. National Association of Realtors, et al. (N.D. III.)	Co-Lead Counsel
Umpa v. National Association of Realtors, et al. (W.D. Mo.)	Co-Lead Counsel
In re Telescopes Antitrust Litigation (N.D. Cal.)	Co-Lead Counsel
Google AdWords Class Action (N.D. Cal.)	Co-Lead Counsel
Markson et al. v. CRST International, Inc., et al. (C.D. Cal.)	Lead Counsel
Dial et al. v. News Corp. (S.D.N.Y.)	Co-Lead Counsel
Alakayak v. British Columbia Packers, Ltd. (Alaska)	Co-Lead Counsel
In Re California Indirect-Purchaser Infant Formula Antitrust Class Action Litigation (California)	Co-Lead Counsel
Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)	Executive Committee
In Re Universal Service Fund Telephone Billing Practices	Co-Lead Counsel
Litigation (D. Kan.)	
In Re: Pre-Filled Propane Tank Antitrust Litigation (W.D. Missouri)	Co-Lead Counsel
City of Philadelphia et al. v. Bank of America NA et al. (S.D.N.Y.)	Co-Lead Counsel

Exhibit E

SUSMAN GODFREY

WHO WE ARE

Susman Godfrey, America's premier litigation boutique, was founded on a simple vision: Hire only the best; get rewarded for success; and handle every case with a relentless focus on winning at trial. That's why Susman Godfrey is the best at what we do: high-stakes commercial litigation. But don't take our word for it—take theirs:

- **66** Pick your metric—money, US Supreme Court clerks, bet-the-company cases, percentage of partners in trial annually—the firm runs circles around everyone else." LAWDRAGON
- 66 Probably the single best law firm I've worked with."CLIENT AS QUOTED IN CHAMBERS
- 66 They are simply smarter, faster, more aggressive (when appropriate) and more strategically astute than their competitors. In my mind, they do not have a peer firm. They are the gold standard."
 CLIENT QUOTE IN THE LEGAL 500
- **66** One of the nation's most impressive—and most feared—litigation boutiques." ABOVE THE LAW

RECOGNITION WE RECEIVE



- · 2022 Trial Firm of the Year
- · 2023 Commercial Litigation Firm of the Year



 All four offices and 21 attorneys recognized in 2024



- · 2024 Media & Entertainment Group of the Year
- 2024, 19 & 18 Class Action Group of the Year
- 2021 Privacy Litigation and Environmental Litigation Group of the Year
- · 2019 Intellectual Property Group of the Year
- 2013 15 Most Feared Plaintiffs Firm

LAWDR AGON

- · Leading Trial Law Firm in America
- Nearly 25% of our partnership named Top 500 Leading Lawyers in America in 2020; and
- Over 50% of our partnership named Top 500 Plaintiff Financial Lawyers in 2023 (more than any other firm in the guide.)



 #1 Litigation Boutique in the US: 13 years in a row, every year since the survey's inception



 17 attorneys and three practice areas recognized in 2023

AMERICAN LAWYER

• 2023 & 2019 Specialty/Boutique Litigation Department of the Year



- · 2020 Class Action Firm of the Year
- · 2019 Business Torts Firm of the Year
- 2018 Antitrust Firm of the Year

TEXAS LAWYER

- · 2022 & 2019 Mid-Sized Firm of the Year
- Two Cases Included on the 2019 Hall of Fame

FAST FACTS



OVER 170

TRIAL LAWYERS ACROSS THE US



95% OF OUR
TRIAL LAWYERS
ARE FORMER LAW
CLERKS TO FEDERAL
JUDGES



10 OF OUR TRIAL LAWYERS CLERKED FOR THE SUPREME COURT OF THE UNITED STATES



SUSMAN GODFREY

CLIENTS WE REPRESENT

Our clients are plaintiffs and defendants. They are individuals, startups, multinational giants, and every kind and size of commercial actor in between. We work with them to find the fee deals that best suit their cases: many are contingent or tie bonuses to specific goals; others feature predictable flat fees or craft ingenious hybrids; and some are straight hourly. But all of our clients share a common desire to partner with the best trial lawyers they can get. We give them what they want.

66 'Lean and mean' would be an apt description of how Susman Godfrey operates... That devotion to efficiency, plus its investment in talent—Susman Godfrey hires only attorneys who have clerked for federal judges or justices of the US Supreme Court—have resulted in big legal victories." — THE NATIONAL LAW JOURNAL

CASES WE TRY

We excel at every kind of commercial litigation and represent clients on both sides of the "v." We don't limit our clients to plaintiffs or defendants, and we don't limit our practice to niche areas of the law. Judges and jurors are generalists—so are we. We cut through the jargon and focus on what will win.

66 As attorneys that identify first and foremost as trial lawyers, they do everything with the ultimate audience in mind—whether that be the judge or eventually a jury [...] No matter how large and complex a matter may be, they never lose sight of who it is they have to persuade in order to win." — LAW360



PRACTICE AREAS

ANTITRUST INSURANCE

APPELLATE INTELLECTUAL PROPERTY &

ARBITRATION TECHNOLOGY

BANKRUPTCY LABOR, EMPLOYMENT, BENEFITS, & PENSIONS

BUSINESS DISPUTES PRODUCT LIABILITY,
CLASS ACTIONS PROPERTY DAMAGE &
PERSONAL INJURY

REGULATORY & GOVERNMENT

AFFAIRS

SHAREHOLDER & SECURITIES

INDUSTRIES

CONSTRUCTION & ENGINEERING

CONSUMER & RETAIL PRODUCTS

ENERGY

ENTERTAINMENT & MEDIA FINANCIAL

SERVICES

HEALTHCARE, PHARMACEUTICALS, & LIFE SCIENCES

PROFESSIONAL SERVICES

REAL ESTATE

TRANSPORTATION

WHERE WE'RE LOCATED

HOUSTON

1000 Louisiana Suite 5100 Houston, TX 77002 (713) 651-9366

COMPLEX MARITAL,

TRUST & ESTATE

ENVIRONMENTAL

DEFAMATION

LOS ANGELES

1900 Avenue of the Stars Suite 1400 Los Angeles, CA 90067 (310) 789-3100

NEW YORK

One Manhattan West New York, NY 10001 (212) 336-8330

SEATTLE

401 Union Street Suite 3000 Seattle, WA 98101 (206) 516-3880

The Susman Godfrey Difference

For over forty years, Susman Godfrey has focused its nationally recognized practice on just one thing: high-stakes commercial litigation. We are one of the nation's leading litigation boutique law firms, with offices in Houston, Los Angeles, New York and Seattle. Susman Godfrey's experiences, track record of success, and staying power are reflected in its wide recognition as the nation's preeminent trial firm, including by *The American Lawyer* in its first-ever "Litigation Boutique of the Year" competition (an award the firm won again in 2023); by being included yearly on *National Law Journal*'s "America's Elite Trial Lawyers" list; and by being named as *Benchmark Litigation*'s National Trial Firm of the Year in 2022 and 2023. *Vault* has likewise named Susman Godfrey its #1 Litigation Boutique in America every year since 2011.

The Will to Win

At Susman Godfrey we are stand-up trial attorneys, not discovery litigators. We approach each case as if it is headed for trial. Everything that we do is designed to prepare our attorneys to persuade a jury. When you are represented by Susman Godfrey, the opposing party will know that you are willing to take the case all the way to a verdict if necessary; this fact alone can make a good settlement possible.

Susman Godfrey has a longstanding reputation as one of the premier firms of trial lawyers in the United States. We are often brought in on the eve of trial to "rescue" troubled cases or to take the reins when the case requires trial lawyers with a proven record of courtroom success.

We also want to win because we share the risk with our clients. We prefer to work on a contingency-fee basis so that our time and efforts pay off only when we win. Our interests are aligned with our clients—we want to achieve the best-possible outcome at the lowest possible cost.

Finally, we want to win because each of our attorneys shares a commitment to your success. Each attorney at the firm—associate as well as partner—examines every proposed contingent fee case and has an equal vote on whether or not to accept it. The resulting profit or loss affects the compensation of every attorney at the firm. This model has been a tremendous success for both our attorneys and our clients.

Unique Perspective

Susman Godfrey represents both plaintiffs and defendants. We thrive on variety, flexibility, and creativity. Clients appreciate the insights that our broad experience brings. "I think that's how they keep their tools sharp," says one.

We know from experience what motivates both plaintiffs and defendants. This dual perspective informs not just our trial tactics, but also our approach to settlement negotiations and mediation presentations. We are successful in court because we understand our opponent's case as well as our own.

An Uncommon Structure

There is no costly pyramid structure at Susman Godfrey. As a business, we are lean, mean and un-leveraged—with a two-to-one ratio between partners and associates. To counter the structural bloat of our opponents, who often have three associates for each partner, we rely on creativity and efficiency.

Susman Godfrey's experience has taught what is important at trial and what can be safely ignored. We limit document discovery and depositions to the essential. For most depositions and other case-related events we send one attorney and one attorney alone to handle the matter. After four decades of trials, we know what we need—and what is just a waste of time and money.

Unparalleled Talent

Susman Godfrey prides itself on a talent pool as deep as any firm in the country. Clerking for a judge in the federal court system is considered to be the best training for a young trial attorney, 100% of our Associates and over 95% of our Partners served in these highly sought-after clerkships after law school. Ten of our trial lawyers have clerked at the highest level—for Justices of the United States Supreme Court.

Each trial attorney at Susman Godfrey is invested in our unique model and stands ready to handle big-stakes commercial litigation.

Antitrust Litigation

PRICE FIXING AND OTHER CONSPIRACY CLAIMS

- NFL Sunday Ticket Antitrust Litigation. Secured a historic \$4.7 billion verdict for Plaintiffs, one of the
 largest jury verdicts in history. SG was appointed by the Court to serve as co-lead counsel to Direct-TV
 subscribers in this California multidistrict class action alleging DirecTV's exclusive NFL Sunday Ticket
 package violates federal antitrust laws. After an argument by Susman Godfrey, the Ninth Circuit Court
 of Appeals issued a major decision reversing the district court's dismissal of the case which led to the
 ultimate trial win.
- In re Automotive Parts Antitrust Litigation. Secured, to date, over \$1.2 billion in settlements as colead counsel for a class of end payor plaintiffs in this complex series of antitrust cases brought against dozens of automobile suppliers who engaged in price-fixing and bid-rigging in the multi-billion-dollar automotive parts industry. This massive multi-district litigation is related to a criminal investigation which the US Department of Justice described as the largest price-fixing investigation in history. The litigation continues against the non-settling defendants.
- In re Libor-based Financial Instruments Antitrust Litigation. Secured, to date, \$781 million in settlements for plaintiffs who allege several banks were involved in setting LIBOR and manipulating it to their advantage. These settlements are each combined with breakthrough agreements with the defendant banks to cooperate with plaintiffs in the ongoing litigation.
- In re Animators Antitrust Litigation. Secured more than \$168 million in settlements for a class of
 animation industry employees in this antitrust action against the largest animation companies, including
 Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete
 against one another for talent.
- In re Packaged Seafood Products Antitrust Litigation. Represented Walmart in antitrust claims
 against the packaged tuna industry (Bumble Bee, Starkist, Chicken of the Sea) for conspiring to fix the
 prices of canned tuna products in the US. Walmart settled with all three major defendants for
 confidential amounts.
- Walmart v. Pilgrim's Pride. Lead counsel to Walmart in a high-profile antitrust matter against more than a dozen chicken producers, alleging that the producers conspired to control the supply and prices of broiler chicken products in the United States in violation of the Sherman Act.
- In re Online DVD Rental Antitrust Litigation. Defended Walmart in a major multi-district antitrust
 class action brought by subscribers of online DVD rental services who asserted claims for market
 allocation and monopolization of the home entertainment market.
- In re Vitamin C Antitrust Litigation. Secured a \$54.1 million jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers in the first-ever case in which mainland Chinese companies were successfully sued under US antitrust laws. The verdict was tripled as required by law and,

after adjusting for \$32.5 million in settlements with other defendants, a final judgment of \$147 million was entered against the defendants. This antitrust price-fixing class action was later reviewed by the United States Supreme Court, which issued a unanimous 9-0 decision in favor of the plaintiffs. In its ruling, the Supreme Court provided clarification as to how much deference federal courts must show statements made by foreign governments regarding the application of their domestic laws.

MONOPOLIZATION CLAIMS

- Dial et al. v. News Corp. Secured a \$244 million settlement of federal monopolization claims in this class action against News Corporation and its affiliates. The media giant also agreed to change its contracting practices regarding in-store advertising. The settlement ended three years of litigation by a class of more than 600 consumer packaged goods companies who alleged News Corp. monopolized the market for in-store advertising in grocery and drug stores. Susman Godfrey was co-lead counsel for a class of businesses including lead plaintiffs H.J. Heinz Company, The Dial Corporation, Henkel Consumer Goods Inc., Smithfield Foods Inc., Foster Poultry Farms, HP Hood, and BEF Foods, Inc. In an opinion approving the settlement, the presiding judge stated that the plaintiffs "were represented by some of the finest antitrust lawyers in the nation" in this "exceptionally complex" antitrust action.
- SIFMA v. NASDAQ. Won a trial before an SEC administrative law judge on behalf of NASDAQ. A
 consortium of big banks had challenged NASDAQ's rule changes on pricing for market data as being
 anti-competitive. When it was clear the case would result in a hearing with live witnesses, NASDAQ's
 General Counsel called on Susman Godfrey to take charge, and our team delivered. Despite having to
 wait a year for a final ruling, Susman Godfrey's team convinced the judge to uphold NASDAQ's rule
 changes and pricing decisions in every respect.
- Masimo v. Tyco Health Care. Secured a winning verdict from a federal jury in Los Angeles for Masimo Corporation against Tyco Health Care Group, LP and its affiliate, Mallinckrodt, Inc. Masimo brought claims under the federal antitrust laws alleging that Tyco's anticompetitive practices prevented Masimo from selling its competing pulse oximetry products to hospitals in the United States. After the trial court vacated the damages award and certain liability findings in its ruling on Tyco's post-trial motions, the issue of damages was re-tried in a bench trial, and the trial court entered a judgment in Masimo's favor for \$43.5 million, plus attorneys' fees and costs. The Court's judgment was affirmed on appeal to the US Court of Appeals for the Ninth Circuit, and Tyco paid the judgment.
- White v. NCAA. Secured a landmark settlement and agreement as co-lead counsel in an antitrust class action on behalf of a class of current and former football and basketball players at Division I schools. The case challenged an NCAA rule limiting the amount of athletics-based financial aid member schools may provide as a violation of Section I of the Sherman Act. The NCAA agreed to make \$218 million available over five years for schools to provide additional benefits to student athletes, create a \$10 million fund to provide educational and professional benefits to former student athletes, and modify its rules.

- Spanish Broadcasting Corporation v. Clear Channel Communications. Defended Clear Channel
 Communications, Inc. in a suit brought by Spanish Broadcasting Corporation, Inc. (SBS) alleging \$1.5
 billion in damages from supposed anticompetitive conduct by Clear Channel and another defendant.
 Susman Godfrey filed a motion to dismiss the complaint in its entirety, which the Court granted with
 prejudice. SBS appealed to the Eleventh Circuit, which affirmed the dismissal in favor of Clear Channel.
- Novell v. Microsoft. Negotiated a \$536 settlement, including \$88 million in attorneys' fees, on behalf
 of Novell from Microsoft without filing a single lawsuit. The case involved antitrust claims related to
 Novell's NetWare products. Novell's General Counsel Joseph A. LaSala, Jr. stated, "This is a significant
 settlement, particularly since we were able to achieve our objectives without filing expensive litigation."
- Caldera v. Microsoft. Represented Caldera Inc. in a suit to recover hundreds of millions of dollars from
 Microsoft for monopolizing the market for personal computer operating systems. Our massive discovery
 efforts included taking the depositions of top Microsoft executives Bill Gates and Steve Ballmer. We
 defeated Microsoft's repeated summary judgment motions and settled the case two weeks before trial
 for a confidential amount that was reported by the Wall Street Journal as \$275 million.

ANTITRUST CLASS ACTIONS - LEAD COUNSEL APPOINTMENTS

- In re Qualcomm Antitrust Litigation (N.D. Cal.) Appointed by the Court as co-lead counsel in this multi-district litigation on behalf of purchasers impacted by Qualcomm's anti-competitive conduct. Denying Qualcomm's motion to dismiss, the Court granted class certification in a 66-page order finding "substantial," "strong," and "compelling" evidence to support the certification. The certification order is currently subject to an interlocutory appeal in the Ninth Circuit. With damages topping \$5 billion, Qualcomm has called it "the largest class action in history."
- In re Automotive Parts Antitrust Litigation (E.D. Mich.) Secured, to date, over \$1.2 billion in settlements to date as Court-appointed co-lead counsel for a class of end payor plaintiffs in this complex series of antitrust cases brought against dozens of automobile suppliers who engaged in price-fixing and bid-rigging in the multi-billion-dollar automotive parts industry.
- In re Libor-based Financial Instruments Antitrust Litigation (S.D.N.Y.) Secured, to date, \$781 million in settlements for plaintiffs who allege several banks were involved in setting LIBOR and manipulating it to their advantage as Court-appointed co-lead class counsel.
- In re Dental Supplies Antitrust Litigation (E.D.N.Y.) Appointed co-lead counsel for the plaintiffs in a
 nationwide antitrust class action against the largest distributors of dental supplies and equipment.
 Plaintiffs alleged that the defendants had illegally agreed not to compete on prices for products sold to
 dental offices and laboratories. In 2018, a settlement was reached for \$80 million.
- In re National Football League's "Sunday Ticket" Antitrust Litigation (C.D. Cal.) Appointed by the Court to serve as co-lead counsel to Direct-TV subscribers in a California multidistrict class action alleging DirecTV's exclusive NFL Sunday Ticket package violates federal antitrust laws. After an

argument by Susman Godfrey, the Ninth Circuit Court of Appeals issued a major decision reversing the district court's dismissal of the case.

- In re Animators Antitrust Litigation (N.D. Cal.) As Court-appointed co-lead counsel, secured more than \$168 million in settlements for a class of animation industry employees in this antitrust action against the largest animation companies, including Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete against one another for talent.
- In re Korean Air Lines Antitrust Litigation (C.D. Cal.) As Court-appointed co-lead counse, secured \$86 million in settlements in this antitrust litigation involving more than 70 class action cases brought on behalf of airline passengers who alleged that between 2000 and 2007, Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and the Republic of Korea.
- In re NYC Bus Tour Antitrust Litigation (S.D.N.Y.) As Court-appointed lead counsel, secured a \$19 million cash settlement for customers of two New York City tour bus companies, Coach USA Inc. and City Sights LLC, and their joint venture, Twin America LLC.
- In re Vitamin C Antitrust Litigation (E.D.N.Y.) As lead counsel, secured a \$54.1 million jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers in the first-ever case in which mainland Chinese companies were successfully sued under US antitrust law. The verdict was tripled as required by law and, after adjusting for \$32.5 million in settlements with other defendants, a final judgment of \$147 million was entered against the defendants. This antitrust price-fixing class action was later reviewed by the United States Supreme Court, which issued a unanimous 9-0 decision in favor of the plaintiffs.
- Behrehnd et al. v. Comcast (Supreme Court) Represented a class of 800,000 Comcast cable subscribers who alleged that between 2003 and 2008, Comcast and other cable companies entered into subscriber swaps and acquisitions that deterred over-builder competition and enabled Comcast to raise prices to supra-competitive levels, in violation of sections 1 and 2 of the Sherman Act. The parties settled for \$50 million after remand of the case from the Supreme Court.
- White v. NCAA (C.D. Cal.) Served as co-lead counsel in an antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. The NCAA settled and paid, in addition to fees and expenses, \$218 million for use by current studentathletes to cover the costs of attending college and paid \$10 million to cover educational and professional development expenses for former student-athletes.

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SUSMAN GODFREY

Bill Carmody

PARTNER

Bet Your Business Litigation pg. 2 Selected Case Briefs pq. 4 Trial References pg. 7

With the trial of a generation captivating the nation, ABC News needed an authority on the psychology of juries. Millions of viewers were following the O. J. Simpson murder trial, and ABC wanted to show America how jurors really decide cases. It tracked down a heralded Texas trial lawyer known for his use of mock trials, Bill Carmody, who was busy preparing a long-shot case

for a fired employee of a large steel company. ABC filmed Bill's presentation of the evidence to the mock jurors as well as their deliberations. The network used the footage...and so did Bill. He played ABC's tape of the mock jury's deliberations at an eleventh hour mediation session - and his client walked away with a substantial settlement.



New York, NY tel: 212-336-8334 fax: 212-336-8340

EDUCATION:

United States Merchant Marine Academy Kings Point, N.Y. (B.S. 1981)

Admitted in New York and Texas

bcarmody@susmangodfrey.com

The University of Tulsa College of Law (J.D. with honors, 1988), Order of the Curule Chair, TULSA LAW JOURNAL

Hall of Fame Inductee, The University of Tulsa College of Law

Distinguished Alumni, The University of Tulsa

Trial Lawyers College (2000)

In the decades since, Bill Carmody's reputation has only grown. Today he is a nationally recognized trial lawyer who tries bet-the-company cases for plaintiffs and defendants in state and federal courts throughout the country. He is a permanent member of Susman Godfrey's Executive Committee and heads its New York office. Carmody is best known for stepping into big high-stakes trials shortly before they are set to begin and getting paid on his results. He's described as a storyteller with a "preternatural ability" to connect with juries - and "someone whose core skill set is persuading a lay jury in a complex business case." Click for press coverage.

RECENT WORK

■ In what's been described as the "tech trial of the century" – the epic clash over selfdriving car technology that pitted Google/Waymo against Uber - Bill stepped in shortly before trial to defend Uber. Although Waymo sought damages of almost \$2 billion, Bill and his team got all of Waymo's experts' damages opinions struck. After Bill's public and private opening statements and the presentation of four days of evidence to a federal jury in San Francisco, this high-profile case ended in a favorable settlement. Benchmark Litigation awarded Bill and his team the National Impact Case of the Year for their work. Click for press coverage.



Uber attorney Bill Carmody (R) and Waymo attorney Charles Verhoeven (L) at the Phillip Burton Federal Building after the trial ended in San Francisco. (Getty Images)

PageID: 656 SUSMAN GODFREY

- In one of the largest individual claims to be litigated this century, WeWork founder Adam Neumann turned to Bill Carmody as part of a multi-firm trial team after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. The litigation was placed on an expedited schedule in the Delaware Chancery Court. Days before trial was set to begin, the case settled as reported by The New York Times and media outlets throughout the world. Click for press coverage.
- For General Electric, Bill successfully tried a contract case before a jury in the Southern District of New York, leading to a judgment in favor of GE worth more than \$160 million. <u>Click</u> for press coverage.
- On behalf of a pharmaceutical industry whistleblower, Bill and his team prosecuted novel anti-kickback claims in the Novartis qui tam litigation that resulted in total settlements of \$465 million - which for a case of its kind is the largest recovery ever. <u>Click</u> for press coverage.
- The City of Baltimore whose citizens are more likely to die of an opioid overdose than those of nearly any other city in the country - retained Bill and recently filed suit to hold opioid manufacturers and distributors responsible for the harm they've done to the city. <u>Click</u> for press coverage.
- On behalf of some of California's largest political subdivisions that claimed to be overcharged by the "Big 3" wireless carriers, Bill and his team recently secured settlements totaling \$175 million. <u>Click</u> for press coverage.
- As co-lead counsel in the nationwide LIBOR antitrust litigation, for Yale University and a class of purchasers of LIBOR-based instruments, Bill and his team have led a fight through the United States Supreme Court to overcome Defendants' motions to dismiss Plaintiffs' price-fixing claims, certify a national litigation class, and secure settlements so far with a number of Defendants for \$781 million. Click for press coverage.
- Bill and his team won a summary judgment that was upheld on appeal in late 2017 by the New Jersey Supreme Court for Dan Loeb and his hedge fund Third Point in the Fairfax litigation, where plaintiffs sought damages of \$8 billion. <u>Click</u> for press coverage.
- In May 2023 Carmody led a Susman Godfrey team that secured a \$203 million award on behalf of New York hedge fund legend, Louis Bacon, in his highly publicized defamation lawsuit against Canadian fashion magnate Peter Nygård. This is believed to be the largest defamation award in New York State history.

BET YOUR BUSINESS LITIGATION

Whether representing plaintiffs or defendants, Bill puts his money where his mouth is by betting on his ability to win for his clients. A pioneer in structuring success-based fee deals, he aligns his interests with those of his clients by making his fees dependent on the success he earns - and not on hours billed. Click for press coverage. It's a creative approach to billing in a profession that doesn't often stray outside the box.



Document 19-2

That's never been a problem for Bill, whose bold and creative trial tactics have earned the respect of his peers, the media, and legal educators. He has been elected to Law360's esteemed Trials Editorial Advisory Board in 2019, '20 and '21. Carmody previously taught Trial Advocacy at Southern Methodist University School of Law, and served on the law school's Executive Board. Currently, he serves on the Board of Trustees of The University of Tulsa. He is also a member of the American Board of Trial Advocates, a fellow of the Litigation Counsel of America, and a fellow of the American Bar Foundation.

Carmody's ranked in the Chambers USA Guide to America's Leading Lawyers in three departments, including its ranking of Nationwide Trial Lawyers and General Commercial Litigation in New York. According to Chambers:

"Clients call on Bill for big high-stakes matters. He's the real deal."

"Bill Carmody is on every client's shortlist if there is a case to try... A leader, strategist and negotiator. If you want to win, you want Bill on your side."

"He is a natural leader who has tremendous credibility with judges and juries."

Clients praise Carmody as a "born trial lawyer," and highly rate his ability to "swoop into a complicated case, master it, and try it ... He can turn complex legal matters into a telling story, and he then finds stories that resonate with the jury."

"He's a force of nature: a strategic thinker, a problem solver and hired-gun trial lawyer extraordinaire."

He is routinely included in Benchmark's Top 100 Trial Lawyers. According to Benchmark, Carmody is a "universally recognized and nationally hired" trial lawyer, and here is how his peers describe him:

"When you hire him, your metric should not just be 'How much do I want to win?' but more 'How much can I afford to lose?' If the answer is 'I can't,' you should hire Bill."

"Of all the lawyers I've worked with in all my years, this guy [Carmody] was the best in every respect. As a trial lawyer he could do it all. He's based in New York now but stylistically was absolutely 'Texas hot!' He is just in another league."

Carmody is listed in The Best Lawyers in America in seven categories, including Bet-the-Company Litigation. Bill has been named to the National Law Journal's lists of Elite Trial Lawyers and Plaintiffs' Attorney Trailblazers. He is also listed in Who's Who Legal in Commercial Litigation. His peers have voted him both a "New York Super Lawyer" and a "Texas Super Lawyer", and he's listed in The Legal 500, in addition to being selected among America's Top 100 High Stakes Litigators by America's Top 100. Carmody was honored by <u>Law360</u> as one of its 10 Titans of the Plaintiffs Bar. He is also perennially listed in the *Lawdragon 500*, the guide to America's leading 500 lawyers. Lawdragon also lauded him as one of its 41 Legal Legends and inducted him into its Hall of Fame.

Carmody was a top three finalist in 2018 for the New York Law Journal's Attorney of the Year. In 2019 Lawdragon selected Bill as one of its Leading Plaintiff Financial Lawyers and The National Law Journal selected him as one of its Masters of the Courtroom - Winning Litigators. In 2021, '22, and '23, Benchmark placed Bill on its shortlist - of five to six lawyers - for National Trial Lawyer of the Year.

Carmody appears frequently in national and international media, and his trials have been featured in

hundreds of publications, including The New York Times, The Wall Street Journal, The Washington Post, The Financial Times, the San Francisco Chronicle, Business Week, Bloomberg, The National Law Journal, Texas Lawyer, and The American Lawyer. He has been profiled by Lawdragon in its "Producers" series, by <u>Law 360</u> for its "Trial Pro" series, and by <u>Forbes</u>. While his trial tactics and betting on his clients' results have received widespread acclaim, most important to Bill and his clients are the victories earned in the courtroom – and following are just a few.

SELECTED CASE BRIEFS

Dare To Be Different

"I've dealt with lots of trial lawyers and, by far, Bill Carmody is the best I've ever seen." In a huge defense victory, Bill orchestrated events outside the lawsuit to defeat a local hero in his hometown court. Carmody's client, a Dallas investment brokerage, got sued for over \$50 million. businessman who had sued Bill's client in his "small pond," the little town of Rockport, Texas.

The case stood second on the trial docket. If the first case went as set, Carmody's case would be bumped for months. A postponement could have cost the brokerage an advantage it had gained during discovery: Although Bill had deposed all of the opponent's experts, he had shielded his client's key expert from deposition. So, the opposition was ill prepared for the expert's trial testimony. If the case was reset, the opposition would be able to depose the expert and erase their disadvantage.

To prevent this, Bill took the unprecedented step of brokering a deal in which his client funded a \$180,000 settlement of the first case on the docket. This enabled Carmody's case to be tried while his client still had the edge. Bill did go to trial and won a resounding take-nothing judgment – and jury debriefing confirmed the deciding role of the key expert's testimony. Bill's client also won a counterclaim of almost \$700,000.

Despite the plaintiff's vigorous attempts to overturn the takenothing judgment, this remarkable victory withstood appellate scrutiny; it was affirmed by both the Corpus Christi Court of Appeals and the Texas Supreme Court. Wowed with Carmody's results throughout the trial and appellate process, the company's CEO remarked: "I've dealt with lots of trial lawyers and, by far, Bill Carmody is the best I've ever seen." Bill Woodruff, CEO, Wm. K. Woodruff and Co., Dallas, Texas.



For media coverage of the brokered settlement, see National Law Journal, February 2, 1998, "Two Texas Litigators Leapfrog to Trial Win."

David Beats Goliath

By uncovering evidence of commercial fraud, Bill helped a small contractor conquer a multi-national conglomerate. This "David v. Goliath" scenario pitted Carmody's plaintiff client against one of the world's largest oil companies. The case centered around the defendant's refusal to pay for refinery construction work performed by the plaintiff in El Paso. But Bill capitalized on then-favorable venue rules to hold the case more than 800 miles away, in Beaumont – where the oil company had recently laid off hundreds of workers.

"Any firm can supply lots of bodies. I'd rather have just one brain like Bill Carmody's."

The case was originally viewed only as a million-dollar breach of contract claim; however, Carmody identified a wholly different type of claim that his client's previous lawyers had missed. It capitalized on the oil company's most vulnerable conduct – its reckless disregard for worker safety. The argument was novel: The defendant's false assurances of safe working conditions inside crude oil towers constituted fraudulent misrepresentations. While the damages of the workers who suffered illnesses were obvious, much less



obvious was his client's fraud damages, in the form of increased workers compensation premiums. After an arduous 2-month trial – featuring a paperless, multi-media presentation, complete with an in-court full-size model of a quarter section of a crude oil tower – the jury found that the oil company committed fraud and awarded Bill's client over \$61 million.

To cash in on this big verdict, Bill quickly negotiated a substantial confidential settlement on behalf of his client. The client's reaction to this happy ending? "Any firm can supply lots of bodies. I'd rather have just one brain like Bill Carmody's." Jerry Strickland, CEO, AltairStrickland, Inc., Houston, Texas.

See, *National Law Journal*, February 10, 1997, "The Big Numbers of 1996" and *Dallas Business Journal*, January 17-23, 1997, "Carmody Firm May be Tiny, but Judgment was Mighty."

Eleventh Hour Save

"It's never too late to bring in Bill Carmody." In a perfect world, a lawyer would always have unlimited time and resources to prepare for trial. But the world is not perfect and, often, time is not on your side. In a case where he suited up for the defense, Carmody demonstrated the experience and guts required to take over and win big at the eleventh hour.

The case arose when a life insurance company was sued in a class action case by 25,000 of its policyholders. The plaintiff class alleged that the insurer had breached the terms of its policies, causing the plaintiffs to be overcharged for their insurance. The class sought \$108 million in damages. In this bet-your-company case, a loss could have wiped out the company's net worth – and forced a shutdown.

The case had been pending for five years, as the insurance company was represented by a large, full-service law firm. But with the make-or-break trial looming, the insurance company decided it needed a proven trial lawyer – someone who made his reputation in the courtroom.

So, just 6 days before trial, the insurer asked Carmody to try the case. Carmody quickly learned the case cold, devised the trial strategy, and presented the case during an eight-day jury trial. The jury promptly and unanimously delivered a complete defense verdict – and the case was dismissed. Given a new lease on life, the company heaved a sigh of relief and its General Counsel praised Carmody's command: "Just six days before trial, most lawyers would have refused to take the case. But Bill Carmody thought of, and seized upon, every tactical advantage. Bill was a clutch performer winning us an incredible trial victory." Bryan R. Newcombe, General Counsel, Legal & General America, Inc., Rockville, Maryland.



See, The American Lawyer, Sept. 2007, Big Suits, "Beller et al. v. William Penn."

TRIAL REFERENCES

It's one thing just to read about the way Bill Carmody tries a case. But the best proof of his unique approach comes from talking to people who have actually seen Carmody at work. The following people are clients who have hired Carmody to represent them, lawyers who tried a case with or against him, and judges who presided over one of Carmody's trials.

Clients

Brad Berenson General Counsel TPG San Francisco, CA 415-743-6363

Richard Heyman CEO Seragon Pharmaceuticals San Diego, CA 858-735-4581

Avi Katz Pres./Gen. Counsel Loral Space & Communications New York, NY 212-697-1105

Chris Moore General Counsel Angelo Gordon New York, NY 212-962-2009

Robert Mnuchin CEO Mnuchin Gallery New York, NY 212-861-6269

Bryan Newcombe Gen. Counsel Legal & General America Rockville, MD 301-294-6968

Josh Targoff General Counsel Third Point LLC New York, NY 212-715-3403

Co-counsel

Daryl Barger Hartline, Dacus, Barger, Dreyer & Kern Corpus Christi, TX 361-866-8009

Mike Carlinsky **Quinn Emanuel** New York, NY 212-849-7000

Nancy Chung Sidley New York, NY 212-839-6070

Matthew Dontzin, Nagy & Fleissig New York, NY 212-717-2900

Gordon Shapiro Jackson Walker Dallas, Texas 214-953-6059

Johnny Ward Ward & Smith Longview, Texas 903-935-3868

Opposing Counsel

Trent Bausch Cline Williams Omaha, Nebraska 402-397-1700

David Beck, Redden & Secrest Houston, Texas 713-951-3700

Josh Dubin **Dubin Law** New York, New York 212-219-1469

Barry McNeil Haynes and Boone Dallas, Texas 214-651-5000

Daniel Slifkin Cravath, Swaine & Moore New York, New York 212-474-1404

Orin Synder Gibson Dunn New York, New York 212-351-2400

Jeffrey Tillotson Law Firm Dallas, Texas 214-382-3040

Charles Verhoeven Quinn Emanuel San Francisco, California 415-875-6600

Judges

Hon. William Alsup U.S. District Court San Francisco, California 415-522-2020

Hon. David Godbey U.S. District Court Dallas, Texas 214-753-2700

Hon. Marilyn Huff U.S. District Court San Diego, California 619-557-6016

Hon. William J. Monahan Santa Clara Superior Court San Jose, CA 408-882-2270

Hon. Lorna G. Schofield U.S. District Court New York, New York 212-805-0288

Hon. Ira Warshawsky Supreme Court, Comm. Div. Nassau Co., New York 516-571-3351

†Bill has been listed in Lawdragon 500 (Lawdragon Lawyer Profiles and Legal News) since its inception in 2003. Super Lawyers are published in Law & Politics Magazine by Thomson Reuters. Bill was a Texas Super Lawyer from 2003 to 2006 and a New York Super Lawyer from 2008 through 2018. Bill has been listed in The Best Lawyers in America (published by Woodward White Inc.) since 2004.

^{*}Attorney advertising **Prior results do not guarantee similar future outcomes ***Internet mail is not fully secure or private. Therefore, please do not transmit confidential information via Internet mail. Transmission of information is not intended to and does not create an attorney-client relationship. Please do not assume that your communications sent using Internet mail are privileged or confidential. Please do not send Susman Godfrey any confidential information via the Internet without previously consulting one of our attorneys. ****Nothing on this web page is intended to represent that Susman Godfrey currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time. Copyright © 2018 SUSMAN GODFREY L. L. P. Attorneys at Law. All rights reserved. Unless otherwise noted in website - Not certified by Texas Board of Legal Specialization.



Shawn J. Rabin

Partner

New York (212) 336-8330 srabin@susmangodfrey.com

Overview

Shawn Rabin, a Susman Godfrey Partner and member of the firm's Executive Committee, is a go-to trial lawyer for high-stakes litigation. Described by one client as "highly strategic and always looking out for his clients' best interests," (Chambers USA 2022), Rabin personally handles all aspects of his cases, from evaluating claims before a complaint is filed to selecting juries and seeing cases through to verdict. Having tried cases all across America—from San Francisco to San Juan—Rabin's creativity and strategic thinking give his clients the extra margin necessary for victory.

In recognition of his success, *Chambers USA* has repeatedly selected Rabin as part of their Leading Practitioner in New York: Litigation General Commercial rankings.

66

"His trial work is extraordinary, just exhilaratingly brilliant to watch during trial."

As quoted in Chambers USA 2022 rankings

66

"Shawn Rabin is 'among the very best litigators I work with He's extremely hard-working, very responsive and a very reliable partner."

As quoted in Chambers USA 2020 rankings

66

"We'd be lost without Shawn."
As quoted in Chambers USA 2021 rankings

Rabin is continually recognized by the legal community for his litigation savvy:

- Chambers USA included Rabin in their <u>2020</u>, <u>2021</u>, <u>2022</u> and <u>2023</u>
 exclusive rankings of Leading General Commercial Litigators in New York.
- Lawdragon included Rabin on the Lawdragon 500 List of the Country's Leading Lawyers in 2019, 2020, 2021, 2022, 2023, and 2024 ranked him as a Leading Plaintiff Financial Lawyer in 2019, 2020, 2021, 2022, 2023, and 2024 and named him among its 500 Leading Litigators in 2022 and 2023.
- The National Law Journal named Rabin a Trailblazer for Plaintiff-side Litigation in 2022 and 2018 and Employment Litigation in 2020 (ALM).
- The Best Lawyers in America® recognized Rabin as a Top Commercial Litigation Lawyer in New York for Commercial Litigation in 2019, 2020 and 2021. (Woodward White Inc.).
- Super Lawyers recognized Rabin as a Super Lawyer in New York from 2019 to 2023 and previously ranked him as a Rising Star every year from 2007 to 2018 (Thomson Reuters).

And the most unique of his honors, after winning a major trial victory in the state of Kentucky, the Governor of Kentucky appointed Rabin to the Honorable Order of Kentucky Colonels and bestowed upon him the title of "Colonel Shawn Rabin."

In addition to his litigation work, Rabin is frequently sought out by leading publications to opine on and write about today's hottest legal topics. Most recently, he penned an article for *Bloomberg News* called, <u>Litigation Funding Success Breeds New Set of Ethical Issues</u>, where he discussed the rising popularity of litigation funding and offered a proposed solution to some of its pitfalls.

Rabin has a proven track record of success. This includes:

- Representing WeWork founder Adam Neumann against SoftBank after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. This lawsuit represents one of the largest individual claims to be litigated this century. The litigation was placed on an expedited schedule in the Delaware Chancery Court. A week before trial, the case settled as reported by media outlets throughout the world. The New York Times' coverage of the lawsuit can be accessed here and here.
- Representing Uber in the nationally covered trial that pitted Google's Waymo against Uber. Just a few months before trial, Rabin and his partner Bill Carmody were hired to represent Uber in a theft of trade secret case that the media called the "Tech Trial of the Century." Although Waymo sought damages of almost \$2 billion, Rabin and his team got all of Waymo's experts' damages opinions struck. The case settled two trial days before Rabin's cross-examination of the star witness Anthony Levandowski.

- Winning a federal jury trial in the Southern District of New York for client General Electric in a breach of contract dispute with the Nebraska Investment Finance Authority over how many years an investment contract required GE to pay interest. After deliberating for two hours, the jury returned a verdict in favor of Rabin's client valued at over \$160 million.
- Winning a federal bench trial in the District of Puerto Rico while
 representing the world's largest retailer, who was challenging a local tax
 as violating the Dormant Commerce Clause and the Equal Protection
 Clause. The federal district judge agreed with Rabin, striking down the
 statute in a decision that was front-page news across the country. The
 U.S. Court of Appeals for the 1st Circuit—where Rabin coincidentally
 served as a law clerk over a decade earlier—unanimously affirmed.
- Strategically defeating several class actions on a motion to dismiss —
 Rabin was lead trial counsel for Trover Solutions in several class actions
 filed across the country relating to insurance subrogation. Rabin
 developed an approach to get the cases dismissed by knocking out the
 named plaintiff's claims before class certification. Several of the cases
 were then appealed and the U.S. Court of Appeals for the 3rd Circuit
 where they were unanimously affirmed.
- Arguing an appeal to an en banc panel of the Delaware Supreme Court —
 Rabin was hired to argue and draft the appellate brief on behalf of the
 former stockholders of Harmonix Music Systems against Viacom in an
 appeal involving Viacom's acquisition of Harmonix and the Guitar Hero
 and Rock Band video games. The Delaware Supreme Court affirmed the
 lower-court judgment.
- Representing Jerry Moyes against the National Hockey League in his
 legal battle involving the Phoenix Coyotes Rabin secured a ruling
 significantly reducing the \$140,000,000 in potential damages sought by
 the National Hockey League against Jerry Moyes and his family stemming
 from their ownership of the Phoenix Coyotes hockey team.
- Representing The Rawlings Company in a high stakes jury trial where, after presenting three-weeks of evidence to a jury in Oldham County, Kentucky, Rabin helped secure a complete defense victory in what was one of the first wage-and-hour class actions to go to trial in Kentucky.



"He is just technically exceptional, strategically impressive, and has the right temperament for dispute."

As quoted in Chambers USA 2023 rankings

Notable Representations

Representative Cases

susmangodfrey.com

- In 2020, Rabin was hired by WeWork founder Adam Neumann to serve as counsel for one of the largest individual claims to be litigated this century as part of a multi-firm trial team after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. The litigation was placed on an expedited schedule in the Delaware Chancery Court. In 2021, a week before trial was set, the case settled as reported by media outlets throughout the world. The New York Times' coverage of the lawsuit can be accessed here and here.
- In 2018, Rabin and his partner Bill Carmody were hired months before
 trial to represent Uber in its legal battle against Google/Waymo. Although
 Waymo sought damages of almost \$2 billion, Rabin and his team got all of
 Waymo's experts' damages opinions struck. The case, being litigated
 before a federal jury in San Francisco, settled two trial days before
 Rabin's cross-examination of the star witness Anthony Levandowski.
- In 2017, Rabin successfully tried a contract case before a jury in the Southern District of New York on behalf of General Electric. Rabin handled the direct examination of the liability experts and cross-examined the defendants' main fact witness. The jury returned a verdict in favor of GE valued at more than \$160 million.
- In 2016, Rabin became one of the few lawyers to win a constitutional challenge to a tax statute. As counsel to a major retailer, Rabin and his partners tried a case in San Juan, Puerto Rico, challenging a tax as violating the Dormant Commerce Clause and the Equal Protection Clause. After a week-long bench trial, the trial judge agreed and struck down the statute in a decision that was front-page news across the country. The First Circuit Court of Appeals later affirmed the decision.
- In 2015, Rabin and his partners were hired by GE Mortgage Holdings as trial counsel for a case that had been pending for many years. The plaintiffs claimed they were owed almost \$1 billion in damages. Rabin and Susman Godfrey were hired months before trial and quickly learned the case, developed a strategy for how to win at trial, and filed key pre-trial motions that decimated the plaintiffs' case. After winning the most important pre-trial motions, Rabin's client settled for a confidential sum a week before trial.
- In 2015, Rabin was the lead lawyer for Trover Solutions in a putative class action filed in the United States District Court for the Eastern District of Pennsylvania. Rather than fight the class allegations, Rabin developed a strategy that successfully knocked out the named plaintiff's claim before class certification. The case was then appealed to the Third Circuit where Rabin's client once again prevailed. See Mallon v. Trover Solutions Inc., No. 14-3189 (3rd Cir. 2015).
- In 2014, Rabin was the lead lawyer for Dental One Partners, one of the nation's largest dental service management organizations in the country.
 Dental One was involved in a complex, multi-party dispute in North
 Carolina relating to whether certain conduct could be classified as the

practice of dentistry. Recognizing that the best solution was not cut-throat litigation, Rabin organized all of the plaintiff and defendant lawyers so that all sides could develop a winning solution outside of the courtroom. After months of negotiation, a resolution was reached without taking a single deposition.

- In 2013, Rabin was hired to argue and draft the appellate brief for a case pending before an en banc panel of the Delaware Supreme Court. Rabin represented the former stockholders of Harmonix Music Systems against Viacom in an appeal involving Viacom's acquisition of Harmonix and the Guitar Hero and Rock Band video games. The Delaware Supreme Court affirmed the lower-court judgment in a published opinion that can be accessed here: Winshall v. Viacom Intern. Inc., 76 A.3d 808 (Del. 2013) (en banc).
- In 2013, Rabin helped secure a ruling significantly reducing the potential damages sought by the National Hockey League against Rabin's client. In that case, the NHL sued Jerry Moyes and his family stemming from their ownership of the Phoenix Coyotes hockey team and sought more than \$140,000,000 in damages. The case was originally filed in New York state court. Rabin devised a successful plan to have the case removed from New York state court to New York federal court to Arizona federal court and then to an Arizona Bankruptcy court. After successfully moving the case back to Arizona, Rabin took and defended the key depositions in the case and then successfully moved for summary judgment eliminating most of the NHL's claims. An article discussing the decision can be accessed <a href="https://example.com/helped-summary-red-summary-
- In 2012, Rabin was hired by a world-renowned surgeon to represent him
 in cases pending in federal court and arbitration against a medical device
 manufacturer. As lead trial counsel, Rabin formulated the trial strategy,
 took and defended the key depositions, and handled most of the direct
 and cross-examinations at trial. The lawsuits resulted in a confidential
 settlement after trial.
- In 2012, Rabin was hired by a widow to defend a multi-million dollar will
 contest that was filed by the deceased husband's children. After taking
 key depositions, winning several rulings before the Probate Court, and
 devising a strategy to prove the deceased had the proper mental capacity
 to execute his will, Rabin was able to position the case for a confidential
 settlement before trial.
- In 2012, Rabin was hired by Trover Solutions to defend a putative class action filed against it and several insurance companies in federal court in the Southern District of New York. The case involved whether New York law prohibited placing liens on personal injury or wrongful death settlements. After extensive briefing and argument, Judge Patterson dismissed all of the Plaintiffs' claims resulting in a total victory for Rabin's client. The published decision can be accessed here: Meek-Horton v. Trover Solutions, Inc., 915 F.Supp.2d 486 (S.D.N.Y. 2013).

- In 2011, Rabin won a defense verdict on behalf of The Rawlings Company in a class action challenging the company's classification of its employees as exempt from the overtime laws. During the three-week jury trial in Kentucky state court, Rabin picked the jury, handled the direct examinations of many of the company's witnesses—including the company's top executive—and cross-examined Plaintiffs' witnesses. This complete victory for Rabin's client was achieved in one of the first wage and hour class actions to go to trial in Kentucky. The verdict was featured in the American Lawyer here and Law360 here.
- In 2010, Shawn Rabin was hired by a family to represent them in a shareholder oppression case. Rabin engineered a strategy that placed the family in the best litigation position without harming the company in which they owned substantial shares. Rabin's outside-the-box approach led to an arbitration and then a confidential settlement.
- In 2009, Shawn Rabin represented an international company against a subsidiary of a large New York bank in a contract dispute regarding the failed purchase of a company. Rabin briefed the crucial motion to dismiss and handled preparing the case for expedited discovery and trial. Shortly after Rabin filed the response to the Motion to Dismiss, the defendants chose to settle the case—a substantial victory for Rabin's client.
- In 2008, Shawn Rabin tried a patent infringement case before the Honorable Judge T. John Ward and a jury in the Eastern District of Texas for their client C2 Communications. The case involved whether the nation's largest telecommunication carriers infringed a voice over internet protocol (VoIP) patent. The case settled after the third day of trial, following the close of C2's case-in-chief and Rabin's direct examination of the patent's owner and C2's damages expert.
- In 2008, Bill Carmody and Shawn Rabin settled a lawsuit involving a horrific drunk driving collision. In 2005, a drunk driver struck a hotel van transporting a family to the airport. A young girl was killed and members of the family were severely injured. Rabin performed an extensive investigation before filing suit to determine exactly how and where the drunk driver became intoxicated. This pre-complaint investigation resulted in confidential settlements with some of the wrong-doers. Rabin then filed a complaint against the two bars where the drunk driver had consumed alcohol. All of the defendants chose to settle after Rabin took damaging depositions of the key witnesses. The value of these significant settlements are confidential.
- In 2008, Brian Melton and Shawn Rabin represented a defendant against claims that it wrongfully terminated its former CEO. After several rounds of discovery and several victories before the trial court judge, the opposing party agreed to settle the case for a minimal amount.
- In 2007, Shawn Rabin spent almost one-quarter of the year in trial defending a large company against a wage and hour class action. Rabin performed the direct and cross examination of more than a dozen fact and

- expert witnesses. A description of Rabin's cross-examination of the first trial witness was published by news services across the world.
- In 2005 and 2006, Shawn Rabin represented a Fortune 100 company in a
 highly confidential accounting dispute against a major accounting firm.
 The allegations in the case included breach of fiduciary duty, breach of
 contract, and accounting malpractice. Before filing a lawsuit, both parties
 agreed to brief the issues before a former Texas Supreme Court Justice.
 Rabin took the lead for Susman Godfrey's client and, after several months
 of negotiation, the parties reached a favorable settlement.
- In 2004, Shawn Rabin achieved a key victory in a case representing a
 class of residential and business customers against the major
 telecommunications companies, including Sprint and AT&T by writing the
 winning briefs in an appeal before the United States Court of Appeals for
 the Tenth Circuit. The claims against AT&T eventually proceeded to a jury
 trial in which Susman Godfrey successfully obtained a favorable jury
 verdict (news article can be accessed here).

Honors & Distinctions

- <u>Leading Practitioner in New York: Litigation: General</u>
 <u>Commercial</u>, <u>Chambers USA</u> (2020-2024)
- Lawdragon 500 Leading Litigator (2022, 2023)
- Litigation Star, Benchmark Litigation (2023, Euromoney)
- Plaintiffs' Lawyers Trailblazers, National Law Journal (2022, 2018, ALM)
- Employment Law Trailblazer, National Law Journal (2020, ALM).
- Lawdragon, 500 Leading Lawyers (2023, 2022, 2021, 2020, 2019)
- Lawdragon, 500 Leading Plaintiff Financial Lawyers (2024, 2023, 2022, 2021, 2020, 2019)
- Impact Case of the Year Award, Benchmark Litigation (2019)
- Recommended Litigator New York for Commercial Litigation, U.S. News

 The Best Lawyers in America® (2021 2020, 2019, Woodward White Inc.)
- 40 and Under Hot List, Benchmark Litigation (2018, 2017, Legal Media Group)
- New York Super Lawyer an honor awarded to the top 5% of lawyers in the New York Metro area (2019 – 2023 Thomson Reuters)
- New York Rising Star, Super Lawyers an honor awarded to the top 2.5% of lawyers in the New York Metro area (2007 – 2018, Thomson Reuters)
- · Fellow, Texas Bar Foundation.

 In 2011, the Governor of Kentucky appointed Shawn Rabin to the Honorable Order of Kentucky Colonels and bestowed upon him the title of "Colonel Shawn Rabin."

Clerkships

Clerked for the Honorable Juan R. Torruella, United States Court of Appeals for the First Circuit

Education

The University of Texas School of Law (J.D.,)

- · Distinctions of Chancellor and Order of the Coif
- Associate Editor of the Texas Law Review

Georgetown University (B.A., International Politics and Security, with Honors)

- School of Foreign Service
- Dean's Citation given to a graduate who displays high academic achievement and service to the community

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Admissions

Bar Admissions

- Texas
- New York

Court Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Leadership & Professional Memberships

 Shawn Rabin is admitted to the state courts of New York and Texas and the United States Court of Appeals for the 1st, 5th and 10th Circuits and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

- Rabin works with a variety of legal organizations in their efforts to help the
 public. Most recently, Rabin has been assisting Mothers Against Drunk
 Driving (MADD) by training volunteers on civil litigation. Rabin was also
 quoted extensively in the Winter 2009 issue of the MADDvocate, which
 can be accessed here.
- Rabin is also an active member of the Litigation Committee of the New York City Bar and is a Barrister in the New York American Inn of Court.



Cory Buland

Partner

New York (212) 336-8330 cbuland@susmangodfrey.com

Overview

New York Partner Cory Buland regularly guides some of the nation's leading companies to success in bet-the-company litigation. Buland's roster of clients has included Uber, Walmart, Chevron, J.B. Hunt Transportation Services, Corinthian Capital Group, Wellstat Therapeutics, and Ellington Management Group.

Buland's practice is diverse – he leads both plaintiffs and defendants through complex commercial disputes of every stripe: from breaches of contract to business torts; pharmaceutical to securities litigation; and theft of trade secrets to suits under the False Claims Act.

Named one of the nation's <u>Top 500 Leading Litigators</u> by *Lawdragon* (2023), included on Benchmark Litigation's <u>40 and Under Hotlist</u> (2023), and called a <u>Rising Star of the Courtroom</u> by *Bloomberg Law* (2022), Buland earns his clients' trust through his dedication to understanding their business and industry and his commitment to achieving their goals. Clients return to Buland because of his keen ability to master complex topics and markets and distill their cases into crisp, compelling arguments for judges, juries, and arbitrators.

COMPLEX LITIGATION

Buland has secured major wins for his clients across the nation. Notable representations include:

255 Butler Associates, LLC v. 255 Butler LLC (Supreme Court of the State of New York, Kings County). Buland led a Susman Godfrey team that secured a \$36 million judgment after a lengthy trial on behalf of client, 255 Butler Associates LLC, against its commercial landlord in a case concerning breach of contract, alleged extortion, and substantial lost profits related to a prominent piece of Brooklyn real estate. Read more.

In re: WeWork Litigation (Delaware Chancery Court). Buland represented WeWork founder, Adam Neumann, against SoftBank after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. This lawsuit represents one of the largest individual claims to be litigated this century. A week before trial, the case settled as reported by media outlets throughout the world. The New York Times' coverage of the lawsuit can be accessed here and here.

Waymo v. Uber (Federal Court, San Francisco). Buland and a team from Susman Godfrey were hired by Uber Technologies, Inc. just months before the "Tech Trial of the Century" when Alphabet's Waymo was claiming more than \$2 billion in damages against Uber over allegations of stolen trade secrets. In a critical move, Buland and his team successfully got all of Waymo's expert's damages opinions struck and the case soon settled during the first week of trial. Benchmark Litigation awarded Buland and the Susman Godfrey team National Impact Case of the Year for their work on this matter. Read more.

BTG. Int'l v. Wellstat Therapeutics Corp. (Delaware Chancery

Court). Buland secured a \$70 million verdict (\$58 million after fees and expenses) on behalf of Wellstat Therapeutics in bet-the-company lawsuit against the distributor of its leading product. Hired less than two months before trial, Buland took a lead in preparing for trial. At trial, Buland skillfully presented Wellstat's case through its Head of Research and Development and presented the critical damages expert who laid the foundation for the Court's \$70 million damages award. The verdict was later confirmed by the Delaware Supreme Court. Read more.

Walmart v. Visa, Inc. (New York Supreme Court, New York

County). Buland represented Walmart in breach of contract action against Visa over the use of new "chip-and-pin" technology in the multi-billion market for debit cards. The dispute involved emerging concerns over payment card security, efficiency, and competition. The parties reached a confidential settlement after Buland filed a summary judgment motion on behalf of Walmart. Read more in *Wall Street Journal's* coverage.

Lincolnshire Management, Inc. v. Kumble (New York Supreme Court, New York County). Buland defended a private equity firm and its founder, Stephen Kumble, against a breach of contract claim brought by another private equity firm seeking more than \$10 million in damages. Buland played a key role leading up to and during arbitration, eventually securing a favorable net award for his client after drastically limiting Kumble's liability and prevailing on his counterclaims. Notably, Buland's day-long cross-examination of the plaintiff's Chief Financial Officer demonstrated Kumble's entitlement to relief on his counterclaims. Buland also successfully argued the motion to confirm the award in New York Supreme Court and defeated a motion to vacate. Read more.

BACKGROUND

Prior to joining Susman Godfrey, Buland served as a law clerk to then-Chief Judge Dennis Jacobs of the United States Court of Appeals for the Second Circuit and Judge Richard Sullivan of the United States District Court for the Southern District of New York.

Buland is a graduate of Columbia Law School, where he served as Senior Editor of the *Columbia Law Review* and was a James Kent and a Harlan Fiske Stone Scholar. He graduated with distinction from the University of Nebraska. Buland resides with his wife, Olga, and two sons in New York City.

Notable Representations

Representative Cases

- Strauser v. Stephen L. LaFrance Holdings (Walgreens Qui Tam
 Litigation, N.D. Okl.) Secured a \$16 million deal to resolve a
 whistleblower lawsuit alleging that Walgreens, Stephen L. LaFrance
 Holdings Inc. and several companies that were part of USA Drug, a
 regional pharmacy chain, knowingly overbilled Medicare Part D, Medicaid
 and other government health programs millions of dollars by unlawfully
 charging more for generic drugs than the customary prices paid by
 individuals without prescription drug insurance.
- In re: WeWork Litigation (Delaware Chancery Court) Represented WeWork founder, Adam Neumann, against SoftBank after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. This lawsuit represents one of the largest individual claims to be litigated this century. The litigation was placed on an expedited schedule in the Delaware Chancery Court. A week before trial, the case settled as reported by media outlets throughout the world. The New York Times' coverage of the lawsuit can be accessed here and here.
- 255 Butler Associates LLC, v. 255 Butler LLC (Supreme Court of the State of New York, Kings County) Secured a \$36 million judgment on behalf of client, 255 Butler Associates LLC, after a trial against its commercial landlord in a case concerning breach of contract, alleged extortion, and substantial lost profits related to a prominent piece of Brooklyn real estate. Read more.
- SL 4000 Connecticut LLC v, CBRE (New York Supreme Court, New York County) Secured dismissal of lawsuit seeking more than onehundred million dollars in damages against real estate broker CBRE. The case was brought by a landlord group who claimed CBRE knowingly brokered a lease on behalf of a financially troubled tenant and misrepresented the Tenant's finances. Buland argued the motion in front

- of the Court and won an immediate, full dismissal of all claims. Read more (subscription required).
- Waymo v. Uber (Federal Court, San Francisco) Represented Uber Technologies, Inc. in a nationally covered trade secrets trial in which Alphabet's Waymo was claiming more than \$2 billion in damages. Buland and his team from Susman Godfrey were hired by Uber just months before the "Tech Trial of the Century" was scheduled to begin. Buland's team successfully got all of Waymo's expert's damages opinions struck and the case settled during the first week of trial. Read more.
- Int'l v. Wellstat Therapeutics Corp. (Delaware Chancery
 Court). Represented Wellstat Therapeutics in bet-the-company lawsuit
 against the distributor of its leading product. Hired less than two months
 before trial, Buland and his team secured a \$70 million verdict on behalf of
 Wellstat (who received \$58 million net of fees and expenses). At trial,
 Buland effectively examined the client's key fact witness and damages
 expert. The verdict was later confirmed by the Delaware Supreme
 Court. Read more.
- Lincolnshire Management, Inc. v. Kumble (New York Supreme Court, New York County). Defended a private equity firm and its founder, Steven Kumble, against a breach of contract claim brought by another private equity firm seeking more than \$10 million in damage. At arbitration, Buland played a key role on the team that secured a favorable net award for the client after drastically limiting the client's liability and prevailing on his counterclaims. Buland's day-long cross-examination of the plaintiff's Chief Financial Officer demonstrated Kumble's entitlement to relief on his counterclaims. Buland successfully argued the motion to confirm the award in New York Supreme Court and defeated a motion to vacate. Read more.
- Walmart v. Visa, Inc. (New York Supreme Court, New York
 County). Buland represented Walmart in breach of contract action against
 Visa over the use of new "chip-and-pin" technology in the multi-billion
 market for debit cards. The dispute involved emerging concerns over
 payment card security, efficiency, and competition. The parties reached a
 confidential settlement after Buland filed a summary judgment motion on
 behalf of Walmart. Read more in Wall Street Journal's coverage.
- North Carolina State Board of Dental Examiners v. Dental Care Partners, Inc. (Wake County Superior Court, North Carolina). Defended a dental services organization in North Carolina state court from claims asserted by the North Carolina State Board of Dental Examiners and affiliated dentists asserting that its operations violated state law. Buland played a key role on the Susman Godfrey team that achieved favorable settlements with all parties. Read more about the claims that the Susman Godfrey team defended in this Law360article, NC Scrutiny Of Dental Practice Management Continues (subscription required).

- The Bank of New York Mellon, solely as Trustee for GE-WMC Mortgage Securities Trust 2006-1 v. WMC Mortgage,
 - **LLC** (S.D.N.Y). Defended a special-purpose entity in connection with the securitization of residential mortgages in Manhattan federal court. After a majority of the plaintiff's damages were eliminated by a *Daubert* motion, the case was settled.
- TradeWinds Airlines, Inc. v. George Soros (S.D.N.Y). Represented the
 estate of bankrupt airline in an action seeking to recover over \$50 million
 for creditors.

Honors & Distinctions

- Lawdragon 500 Leading Litigators (2023)
- 40 and Under Hot List, Benchmark Litigation (2023)
- Rising Star of the Courtroom, Business Insider (2022)
- Top 500 Plaintiff Financial Lawyers, Lawdragon (2021, 2022, 2023, 2024)
- Elite Trial Lawyers Rising Star of the Plaintiffs Bar, National Law Journal (2021, ALM)
- Super Lawyers Rising Star, 2014 2020 (Thomson Reuters)
- James Kent Scholar
- Harlan Fiske Stone Scholar
- Columbia Law Review

Clerkships

Honorable Dennis Jacobs, United States Court of Appeals for the Second Circuit, 2011-2012

Honorable Richard J. Sullivan, United States District Court for the Southern District of New York, 2009-2010

Education

Columbia Law School (J.D., , 2009)

The University of Nebraska (B.S.B.A., Finance, with distinction, 2005)

Admissions

Bar Admissions

New York

Court Admissions

- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

U.S. Court of Appeals for the Second Circuit



Mark Musico

Partner

New York (212) 336-8330 mmusico@susmangodfrey.com

Overview

Mark Musico is a trial and appellate lawyer in Susman Godfrey's New York Office. His clients include the country's leading lights in finance, technology, and industry, including international sports betting and gaming giant, Flutter Entertainment; Fortune 500 conglomerate, General Electric; pioneering satellite communications company, Loral Space & Communications; preeminent macro investor and hedge fund manager, Louis Bacon; and prominent hedge fund, Saba Capital.

Clients describe Musico as "really sharp," "having an excellent manner," and "unflappable." Plaintiffs and defendants look to him for winning insights in high-stakes disputes involving intellectual property, defamation and the First Amendment, the False Claims Act, the Investment Company Act, antitrust, securities, insurance, breach of contract, breach of fiduciary duty, and fraud.



"Mark is super smart and an amazing storyteller. He has a brilliant mind."

Client quote from Chambers 2024

Musico's wins, which have generated billions in value for his clients, include:

- An award valued at over \$2 billion for Flutter Entertainment in a highprofile dispute with FOX Corporation, convincing an arbitrator in New York to nearly double the exercise price FOX sought for its option to acquire a portion of Flutter's portfolio company, FanDuel.
- A \$203 million award for Louis Bacon in a high-profile defamation case against Peter Nygard, the largest known award in a New York-based defamation lawsuit.

 A \$307.5 million settlement on behalf of a class of life insurance policyholders in connection with AXA Equitable's cost-of-insurance rate hike.

Musico has also secured several victories for hedge fund, Saba Capital, in disputes with entrenched and underperforming managers of funds in which Saba invested. He recently argued and won two precedent-setting appeals before the Second Circuit, successfully invalidating provisions that deprived fund shareholders of their equal voting rights under the Investment Company Act of 1940. Musico also won an injunction that allowed Saba to win the vote for board control of a \$701 million closed-end fund, as reported by the *Wall Street Journal*.

After graduating first in his class from Columbia Law, Musico started his legal career clerking at every level of the federal judiciary—for Justice Ruth Bader Ginsburg on the United States Supreme Court, Judge Michael Boudin on the U.S. Court of Appeals for the First Circuit, and Judge Douglas P. Woodlock on the U.S. District Court for the District of Massachusetts.

Notable Representations

Representative Cases

- Saba Capital Master Fund, Ltd. BlackRock ESG Capital Allocation Trust (SDNY | CA2) As lead counsel for Saba Capital, convinced the Court that closed-end funds managed by BlackRock, Royce Investment Partners, Tortoise Capital Advisors, Adams Funds, and FS Investments violated the federal Investment Company Act by opting-in to Maryland's Control Share Acquisition Act. Musico successfully argued the summary judgment motions in the District Court, and the appeal to the Second Circuit. Saba Capital Master Fund, Ltd. v. BlackRock Mun. Income Fund, Inc., 23-cv-5568 (JSR), 2024 WL 43344 (S.D.N.Y. Jan. 4, 2024), aff'd, 2024 WL 3174971 (2d Cir. June 26, 2024).
- In re AXA Equitable Life Insurance Litigation (SDNY) Secured a \$307.5 million settlement for a class of plaintiffs who challenged AXA's 2016 cost-of-insurance rate hike on hundreds of elderly insureds. Musico successfully led the team's efforts to obtain certification of the first-ever nationwide class of plaintiffs asserting claims under New York Insurance Law § 4226 based on materially misleading misrepresentations about the terms of the policies.
- Saba Capital CEF Opportunities 1, Ltd., et al. v. Nuveen Floating Rate Income Fund (SDNY | CA2) As lead counsel for Saba Capital, won a precedent-setting victory against closed-end funds managed by Nuveen. Musico convinced the Court that defensive measures known as "control share provisions," which strip shareholders of voting rights, violate the Investment Company Act of 1940. The Second Circuit affirmed, following a successful argument by Musico. Saba Capital CEF Opportunities I, Ltd

- v. Nuveen Floating Rate Income Fund, 21-cv-327 (JPO), 2022 WL 493554 (S.D.N.Y. Feb. 17, 2022), aff'd, 88 F.4th 103 (2d Cir. 2023).
- Louis Bacon v. Peter Nygard et al. (New York Supreme Court,
 Commercial Division) Won a \$203 million award for Louis Bacon in a
 high-profile defamation case against Peter Nygard. This is the largest
 known award in a New York-based defamation lawsuit. For years, Musico
 spearheaded the team's hard-fought efforts, including in developing case
 strategy, briefing countless motions, and deposing a key whistleblower
 whose testimony featured prominently at the special damages inquest that
 resulted in this record-breaking win.
- Fox Sports Group v. Flutter Entertainment (SDNY) Alongside firm managing partner Vineet Bhatia and a lean team of SG attorneys, won a favorable award for Flutter Entertainment when an arbitrator in New York nearly doubled the exercise price its opponent, a subsidiary of FOX Corporation, sought for its option to acquire 18.6% of Flutter's portfolio company, FanDuel Group. This high-stakes, high-profile arbitration resulted from FOX's assertion that it should be entitled to the same price Flutter paid for its share of FanDuel two years before the arbitration took place—\$2.1 billion, with an implied company valuation of \$11.2 billion. The arbitrator, however, found that FOX's payment must be based on a substantially higher FanDuel valuation of \$20 billion it was hoping for, plus an additional 5% interest per year. At the time of the decision, this equated to a valuation for FanDuel of \$22 billion and an option exercise price of \$4.1 billion for FOX—nearly twice the amount that FOX argued it should be required to pay. Musico handled several witnesses at trial, including cross-examining FOX's in-house counsel, who negotiated the contract at issue, regarding the parties' intent with respect to key terms in dispute. Musico also spearheaded Flutter's pre- and post-trial briefing.
- Saba Capital CEF Opportunities 1 Ltd. v. Voya Prime Rate Trust (Arizona Superior Court) Alongside Jacob Buchdahl, secured a preliminary injunction that allowed his client, Saba Capital, to win the vote for board control of a \$701 million closed-end fund, as reported by the Wall Street Journal. The injunction prevented the fund from enforcing a bylaw that substantially raised the voting threshold required to elect board trustees. At a full-day evidentiary hearing, Musico presented the proxy solicitation expert whose testimony the Court called "persuasive, if not compelling" evidence in support of Saba's case. Saba Capital CEF Opportunities 1 Ltd v. Voya Prime Rate Trust, No. CV 2020-005293, 2020 WL 5087054 (Ariz. Super. June 26, 2020). Musico also beat back several rounds of emergency appeals seeking to stay the injunction.
- Wellstat Pharmaceuticals v. BTG (Delaware Chancery Court) Won a \$70 million verdict for Wellstat Pharmaceuticals (which received \$58 million net of fees) in a bet-the-company lawsuit against the distributor of its leading product. Musico tried the case in Delaware Chancery Court alongside firm founder, Steve Susman. He played an instrumental role in maximizing the client's recovery by presenting Wellstat's damages expert

at trial, convincing the court to exclude key testimony from defendant's damages expert, cross-examining defendant's expert who tried to understate the market for Wellstat's life-saving drug, and cross-examining a defense witness who tried to shift the blame to Wellstat. Musico then wrote the brief that convinced the Delaware Supreme Court to summarily affirm the judgment on appeal.

- Public Sector Pension Investment Board v. Saba Capital (New York Supreme Court, Commercial Division) Represented Saba Capital, and its founder, Boaz Weinstein, in an asset valuation dispute with its investor, PSP. Musico led the strategic effort to chip away at PSP's claims against Saba, and successfully briefed motions leading the court to dismiss three of the four claims at issue. The case settled while Saba's summary judgment motion to knock out PSP's one remaining claim was pending. Read more in Forbes.
- ViaSat v. SpaceSystems/Loral (Southern District of California) Defended Loral Space & Communications and its subsidiary, Space Systems/Loral, in a high-stakes patent infringement and breach of contract trial. Musico prepared and argued the jury instructions and presented a key defense witness. Musico also helped write the post-trial briefs that resulted in the court ordering a new trial on damages. The Court called the original damages award against the defendants a "miscarriage of justice."

Honors & **Distinctions**

- Up and Coming Lawyer, Chambers USA (2024, 2023)
- Lawdragon 500X The Next Generation of Leading Lawyers (2024, 2023)
- Lawdragon 500 Leading Litigators (2023)
- Rising Star of the Plaintiffs Bar, National Law Journal's Elite Trial Lawyers (2021, ALM)
- John Ordronaux Prize, Columbia Law School 2011 (First in Class)
- James Kent Scholar, Columbia Law School 2009-2011
- Articles Editor, Columbia Law Review

Clerkships

Honorable Ruth Bader Ginsburg, Supreme Court of the United States

Honorable Michael Boudin, United States Court of Appeals for the First Circuit

Honorable Douglas P. Woodlock, United States District Court for the District of Massachusetts

Education

Columbia Law School (J.D., , 2011)

susmangodfrey.com

Harvard University (B.A., magna cum laude, 2007)

Admissions

Bar Admissions

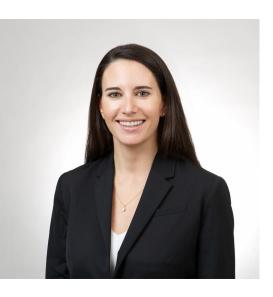
New York

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

Leadership & Professional Memberships

- LGBT Bar Association of Greater New York
- Fellow, American Bar Foundation



Elisha Barron

Partner

New York (212) 336-8330 ebarron@susmangodfrey.com

Overview

Elisha Barron litigates high-stakes cases across the country and, in the last five years alone, has secured over \$1 Billion in jury verdicts and settlements for her clients. Elisha represents plaintiffs and defendants through every stage of litigation in complex commercial cases, including in intellectual property, antitrust, False Claims Act litigation, and general commercial litigation.

Elisha was named a one of the nation's 500 Leading Litigators and a Next Generation Leading Lawyer by Lawdragon in 2023. In its 2023 analysis, Benchmark Litigation named her among its Future Stars. It also included her on its 40 and Under Hot List in both 2022 and 2023. Elisha has been named among National Law Journal's Plaintiffs Lawyer Trailblazers and called One to Watch in Commercial Litigation by Best Lawyers for 2021, 2022, 2023 and 2024. In 2019, New York Law Journal called her Rising Star.

Below are a few of Elisha's notable representations and successes:

- Won a \$706.2 Million jury verdict for client HouseCanary after a 6+ week jury trial in state court in San Antonio, Texas. The case involved claims against Title Source, an affiliate of Quicken Loans, for misappropriation of trade secrets, fraud, and breach of contract. Ms. Barron successfully argued a Daubert motion to admit the testimony of a key technical expert and examined that expert at trial, securing testimony pivotal to the jury's finding that HouseCanary's trade secrets had been misappropriated.
- Lead trial counsel to Van Leeuwen Ice Cream LLC in a Lanham Act trade dress infringement lawsuit against Rebel Creamery pending in the Eastern District of New York.
- Represented Joel and Mary Rich, the parents of a murdered son, Seth Rich, in a groundbreaking lawsuit against Fox News and individual defendants for intentional infliction of emotional distress claims and

- related torts. After the Second Circuit reversed the district court's dismissal of the Riches' claims, Elisha defeated a motion to dismiss for lack of personal jurisdiction, and argued numerous discovery motions, paving the way for a confidential settlement in November 2020.
- Delivered opening statements and cross-examining key witnesses to win a multi-million-dollar award (a complete victory) in a confidential technology and construction industry arbitration involving obligations under a written agreement.
- Secured a \$450 million settlement—one of the largest ever in the United States by a single whistleblower—in a landmark False Claims Act lawsuit against the Swiss drug manufacturer Novartis Pharmaceuticals Corporation. Elisha deposed pharmacists and nurses across the country, securing key testimony which helped secure the award.
- Secured nearly \$170 million in settlements before fees and expenses in the antitrust case *In re Animation Workers Antitrust Litigation* (N.D. Cal.) for a class of Hollywood animators and visual effects employees who accused several major movie studios of entering into an agreement not to "poach" each other's employees. The case contributed to Susman Godfrey being named 'Class Action Group of the Year' by Law360.
- Represented wearable fitness pioneer Jawbone in patent litigation against Fitbit in numerous forums—two actions in the International Trade Commission and two actions in federal district court. Elisha briefed and argued motions regarding the invalidity of Fitbit's patents, securing favorable rulings for Jawbone on several patents. Elisha also argued at the federal court Markman hearing and secured favorable claim constructions for Jawbone.
- Represented an individual in a confidential AAA arbitration against a former employer for discrimination and secured a favorable settlement after Susman Godfrey presented her case to a three-judge panel. Elisha examined two key fact witnesses, an expert witness, and conducted the only cross examination before settlement.

Ms. Barron also devotes significant time to pro bono matters. Most recently, she represented the City of Baltimore pro bono in a challenge to a new Health of Human Services Rule allowing health care providers to deny health care services for religious or "other" reasons. City of Baltimore v. HHS, 19-cv-1672 (D. Md.). The rule was vacated in 2019. In 2016 she received an award for outstanding pro bono service from the Legal Aid Society.

Before joining Susman Godfrey, Ms. Barron clerked for Judge Shira Scheindlin on the U.S. District Court for the Southern District of New York, and Judge José Cabranes on the U.S. Court of Appeals for the Second Circuit. She graduated from Yale University with a degree in History of Science and Medicine, and received her J.D., cum laude, from Harvard Law School, where she was an editor on the Journal on Legislation

Honors & **Distinctions**

- Lawdragon Top 500 Plaintiff Financial Lawyers (2024)
- Lawdragon Top 100 Al and Legal Tech Advisor (2024)
- Lawdragon 500 Leading Litigator (2023)
- Lawdragon 500X The Next Generation of Leading Lawyers (2023)
- 40 and Under Hot List, Benchmark Litigation (2022, 2023)
- Future Star, Benchmark Litigation (2023 Euromoney)
- Plaintiffs Lawyer Trailblazer, National Law Journal (2021, ALM)
- One to Watch, Commercial Litigation Best Lawyers (2021, 2022, 2023, 2024 Woodward White, Inc.)
- Rising Star, New York Law Journal (ALM, 2019)
- Recipient of the 2016 Pro Bono Publico Award for Outstanding Service to The Legal Aid Society

Clerkships

Honorable Shira Ann Scheindlin, United States District Court for the Southern District of New York

Honorable José A. Cabranes, United States Court of Appeals for the Second Circuit

Education

Harvard Law School (J.D., cum laude)

- Articles Editor, Harvard Journal on Legislation
- Dean's Scholar, Legal Research and Writing

Yale University (B.A., History of Science and Medicine,)

Admissions

Bar Admissions

New York

Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

Leadership & Professional Memberships

- Co-Chair Trial Advocacy Program, American Inn of Court, New York Chapter
- Trade Secret Committee Member, New York City Bar Association

Exhibit F

FIRM BIOGRAPHY

LITE DEPALMA GREENBERG & AFANADOR, LLC

August 2024

Lite DePalma Greenberg & Afanador, LLC is a general practice law firm, with offices in Newark and Philadelphia. The firm specializes in commercial and complex litigation with a concentration in class action matters in the areas of securities, antitrust, consumer fraud, and insurance sales practices. More detail about the firm and its attorneys appears on its website, www.litedepalma.com.

Diversity and Inclusiveness: Our Tradition

Lite DePalma Greenberg & Afanador, LLC has a long-standing tradition of recruitment, retention, and advancement of women and minority attorneys. The firm did not attain its diverse team of partners, associates, and staff as a result of a contemporary mission to create diverse workplaces. Long before multiculturalism became the trend, Lite DePalma Greenberg & Afanador, LLC was committed to diversity in the workplace. Having elected its first minority attorney to the partnership over twenty-five years ago, the firm has continually maintained a team of partners, associates, and staff that is representative of various multicultural backgrounds. The firm is committed to the advancement of women and minority attorneys and currently boasts a team comprised of 50% women and/or minority attorneys at the partnership level. We are also committed to staffing cases with a diverse team of seasoned attorneys that are capable of tending to the needs of our clients in today's increasingly diverse global economy. To that end, Lite DePalma Greenberg & Afanador, LLC actively recruits women and minority attorneys. We are immensely proud to have been part of that journey and have witnessed firsthand how this type of trail blazing motivates and inspires our associates.

Community and Leadership: Our Devotion to the Development of the Newark Community and Minority / Socioeconomically Disadvantaged Groups

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Founded in 1978, our law firm began its practice in Newark, New Jersey and has remained a Newark resident at all times. As a proud member of the Newark community, Lite DePalma Greenberg & Afanador, LLC supports its local charitable, educational, cultural, and pro bono legal institutions. The firm is heavily involved with Newark's educational institutions. The firm has participated in a summer hiring program that employs minority students from University High School on a part-time basis in order to provide inner city students with valuable exposure to a law practice. It also supports Newark's law schools by supporting Seton Hall and Rutgers-Newark, financially and otherwise. Our attorneys are deeply committed to both schools and regularly volunteer their time in alumni, moot court, and other programs. In the cultural arena, the firm was a Founding Sponsor of the New Jersey Performing Arts Center in Newark and a consistent financial supporter of NJPAC since its inception. Among the pro bono legal institutions that Lite DePalma Greenberg & Afanador, LLC has actively assisted are Consumers League of New Jersey and the Center for Auto Safety in Washington, DC. The firm successfully represented both organizations as amicus curiae in cases before the Supreme Court of New Jersey. Additionally, several of our attorneys were among the first in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and have participated in several pro bono matters.

Loyalty: Our Commitment to Family and Personal Relationships

Lite DePalma Greenberg & Afanador, LLC has long-realized that promoting healthy family and personal relationships is a key component to building a successful and cohesive practice. Mindful of the increase in dual income families, the firm strives to create an environment that is respectful of family obligations. Lite DePalma Greenberg & Afanador, LLC endeavors to

facilitate flexible work arrangements by offering a fair family leave policy, flex-time, and telecommuting.

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MEMBERS OF THE FIRM

JOSEPH J. DEPALMA (Newark Office), the Firm's Managing Member, has a vast breadth of experience in many types of class action cases involving securities, ERISA, antitrust, product liability, and consumer fraud. Mr. DePalma also handles shareholder derivative litigation, commercial litigation, and transactional matters for the firm's corporate clients. He has a Masters Degree in Business Administration and a J.D. degree from Seton Hall University School of Law.

Mr. DePalma has served as Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff in two prominent class actions that have resulted in significant recoveries: Reginald Newton v. Tenet Healthcare Corp., (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); In re Motorola Securities Litig., Civ. No. 03-C-287 (N.D. Ill.) (\$193 million settlement reached three business days before trial).

Mr. DePalma has also played an active role in obtaining settlements in numerous recognized class actions comprising some of the largest settlements in the nation. Included in such cases are: In re Prudential Ins. Co. of America Sales Practices Litig., 148 F.3d 283 (3d Cir. 1998) (over \$4 billion paid out in largest insurance sales practices settlement ever) (Liaison Counsel); In re Lucent Technologies Securities Litig., Civil Action No. 00cv621(AJL) (D.N.J.), reported opinions, 2003 WL 25488395 (D.N.J. Dec. 15 2003), 2002 WL 32815233 (D.N.J. July 16, 2002), 217 F. Supp. 2d 529 (D.N.J. 2002), 2002 WL 32818345 (D.N.J., May 9, 2002), 221 F. Supp. 2d 463 (D.N.J. 2001), 221 F. Supp. 2d 472 (D.N.J. 2001) (approximate \$610 million settlement) (Liaison Counsel); Galanti v. Goodyear, Civil Action No. 03-209(SRC) (D.N.J.) (\$300 million product liability settlement) (Liaison Counsel); In re Aremissoft Corp. Securities Litig., Civil Action No. 01-CV-2486 (JAP) (D.N.J.), reported opinion, 210 F.R.D. 109 (D.N.J. 2002) (over \$250 million recovered to date; case is ongoing) (Liaison Counsel); In re Royal Dutch/Shell Transport Litigation, Civil Action No. 04-1398 (JWB) (D.N.J.), reported opinions, 404 F. Supp. 2d 605 (D.N.J. 2005), 380 F. Supp. 2d 509 (D.N.J. 2005) (\$90 million ERISA settlement, the largest settlement ever under ERISA) (Liaison Counsel); P. Schoenfeld Asset Management, LLC v. Cendant Corp., Civil Action No. 98-4734(WHW) (\$26 million settlement after precedentsetting decision in same case); Semerenko v. Cendant Corp., 223 F.3d 165 (3d Cir. 2000)) (Liaison Counsel); Steiner v. MedQuist, Civil Action No. 04-CV-05487-JBS (D.N.J.), reported opinion, 2006 WL 2827740 (D.N.J. Sept. 29, 2006) (\$7.75 million) (Liaison Counsel); In re Tellium Securities Litig., No. 02-CV-5878 (FLW) (D.N.J.), reported opinion, 2005 WL 1677467 (D.N.J. June 30, 2005) (\$5.5 million) (Liaison Counsel); and *In re NUI Securities Litig.*, Civil Action No. 02-CV-5220 (MLC) (D.N.J.), reported opinion, 314 F. Supp. 2d 388 (D.N.J. 2004) (\$3.5 million) (liaison counsel).

Mr. DePalma's years of experience also include the following major matters: In re Computron Software, Inc. Securities Litig., Civil Action No. 96-1911 (AJL) (approximate \$15) million settlement) (Liaison Counsel); In re USA Detergents, Inc. Securities Litigation, Master File No. 97-2459 (MTB), District of New Jersey (\$10 million settlement) (Liaison Counsel); In re: The Children's Place Securities Litig., Master File No. 97-5021 (JCL), (D.N.J.), reported opinion, 1998 WL 35167284 (D.N.J. Sept. 4, 1998) (\$1.7 million settlement) (Liaison Counsel); Arthur Fields, et al. v. Biomatrix, Inc., et al., Civil Action No. 00-CV-3541 (WGB), (D.N.J.) (\$2.45 million settlement) (Liaison Counsel); In re Horizon Healthcare Services Inc. Data Breach Litigation, 2:13-cv-7418 (D.N.J.), reported opinion, 846 F.3d 625 (2017) (case settled) (Co-Lead Counsel); and In re Atlas Mining Securities Litig., Civil Action No. 07-428-N-EJL (D. Idaho) (\$1.25 million) (Lead Counsel).

Some of Mr. DePalma's other court approved class action and mass action settlements, involved product liability, takeover and ERISA matters. In a complex MDL mass action proceeding involving the illegal harvesting of body parts and the untested surgical implanting of those parts, Mr. DePalma, along with a team of nationally recognized colleagues, achieved a global settlement in a case captioned In re Human Tissue Product Liability Litig. (D.N.J.). Mr. DePalma achieved a settlement on behalf of shareholders in tender offer litigation, In re Alpharma Shareholder Litigation, (N.J. Superior Ct.). In a complex ERISA matter involving two appeals to the Third Circuit, In re Schering-Plough Corporation ERISA Litigation, (D.N.J.), Mr. DePalma obtained a settlement of \$8.5 million on behalf of a class of participants in a retirement plan alleging breaches of fiduciary duties.

Mr. DePalma is currently involved in several plaintiff class action antitrust matters and has leadership roles in In re: Fragrance Indirect Purchaser Antitrust Litigation, 2:23-cv-03249 (D.N.J.) (liaison counsel for indirect purchaser plaintiff class); Cornish-Adebivi v. Caesars Entertainment, Inc., No. 23-cv-2536 (D.N.J.) (liaison counsel); and Vascepa Antitrust Litigation Indirect Purchaser Plaintiffs, Docket No. 21-12061 (ZNQ)(LHG) (D.N.J.) (executive committee). Mr. DePalma also currently is involved in the following class actions in the District of New Jersey: In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation, Docket No. 19-md-2904 (co-lead counsel); In re Emisphere Technologies, Inc. et al., Securities Litigation, Case No. 2:23-cv-20898-SDW-AME (liaison counsel); Mendez v. Avis Budget Group, Inc., Docket No. 2:2011-cv-06537 (co-lead counsel, recently settled for \$45 million); and BCR Carpentry LLC v. FCA US LLC, 3:21-cv-19364-GC-DEA (liaison counsel).

Mr. DePalma has represented defendants in class action litigation involving prisoners' rights: *Ford v. Smith*, 1:20-cv-18863 (NLH)(AMD) (D.N.J.) and *Brown v. Warren*, 1:20-cv-7907 (NLH)(AMD) (D.N.J.). Mr. DePalma has also successfully represented customers of Showtime and AMC in mass arbitrations.

Mr. DePalma has achieved excellent results for clients in other areas of litigation. Among other things, he won large settlements for a condominium association on construction defect and legal malpractice claims and has successfully handled securities arbitrations as well.

Mr. DePalma has lectured in the areas of class action law and in complex commercial litigation. He has also served as a member of the New Jersey Supreme Court's District Ethics Committee.

Mr. DePalma served on the Board of Visitors of the Seton Hall University School of Law from 2011 to 2022. Mr. DePalma served as co-chair of the law school's Small Firm Committee and was a member of its Diversity Counsel.

Mr. DePalma was named as a New Jersey Super Lawyer in the 2007-2024 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Business & Commercial."

BRUCE D. GREENBERG (Newark Office) has served as Co-Lead Counsel, Executive Committee or Steering Committee member, or Liaison Counsel in major antitrust, defective products, consumer fraud, and securities class action cases. He also handles sophisticated appellate, commercial and real estate litigation.

A number of Mr. Greenberg's class action cases have resulted in significant settlements. Among his federal court class action successes are a settlement worth more than \$750 million for a nationwide class in *Varacallo v. Massachusetts Mutual Life Ins. Co.*, 226 F.R.D. 207 (D.N.J.

Filed 08/08/24

2005) (Co-Lead Counsel), an insurance sales practices case, a \$35.75 million nationwide class settlement in *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (Co-Lead Counsel), a securities fraud case, Cole v. NIBCO, Inc., No. 13-7871 (FLW) (TJB) (Co-Lead Counsel), a \$43.5 million nationwide settlement in a defective products case, a nationwide consumer settlement worth up to \$13 million in Schwartz v. Avis Rent a Car System, LLC, Civil Action No. 11-4052 (JLL) (Co-Lead Counsel), a highly valuable nationwide settlement in *In re Samsung DLP* Television Class Action Litigation, Civil Action No. 07-2141 (GEB) (MCA) (Executive Committee), a \$9.59 million settlement in In re N.J. Tax Sale Certificate Antitrust Litig., 750 Fed. Appx. 73 (3d Cir. 2018) (Liaison Counsel), settlements totaling over \$200 million for a nationwide class in the multidistrict antitrust litigation captioned In re Insurance Brokerage Antitrust Litigation, MDL No. 1663, Civil Action No. 04-5184 (FSH) (D.N.J.) (Liaison Counsel), and another antitrust class action, In re Liquid Aluminum Sulfate Antitrust Litigation, MDL No. 2687, Civil Action No. 16-md-2687 (JLL) (JAD) (District of New Jersey) (Steering Committee and Liaison Counsel), which produced settlements totaling over \$90 million for a nationwide class. His efforts as Co-Lead Counsel for certified classes in the United States District Court for the Western District of Pennsylvania (Zeno v. Ford Motor Co., 238 F.R.D. 173 (W.D. Pa. 2006), and 480 F. Supp. 2d 825 (W.D. Pa. 2007)), and in the Superior Court of New Jersey, led to a four-state settlement that afforded full benefit of the bargain relief to consumers in Pedersen v. Ford Motor Co., No. GIC 821797 (Cal. Super Ct.). Mr. Greenberg was also instrumental in In re Motorola Securities Litig., Civ. No. 03-C-287 (N.D. Ill.), where Lite DePalma Greenberg & Afanador, LLC, as Co-Lead Counsel, achieved a \$193 million settlement just three business days before trial was to begin.

Mr. Greenberg's New Jersey state court class actions include a settlement valued at \$8.6 million for a nationwide class of current and former merchants in Roma Pizzeria v. Harbortouch f/k/a United Bank Card, Docket No. HNT-L-637-12 (Co-Lead Counsel); a \$100 million settlement for a nationwide consumer class in *Friedman v. Samsung Electronics America, Inc.*, Docket No. BER-L-7250-01 (Liaison Counsel), a comparably sized settlement for a nationwide consumer class in Summer v. Toshiba America Consumer Products, Inc., Docket No. BER-L-7248-01 (Liaison Counsel), another nationwide consumer class settlement in *Barrood v. IBM*, Docket No. MER-L-843-98 (Co-Lead Counsel), which afforded class members full benefit of the bargain relief, (Co-Lead Counsel), a settlement for a New Jersey consumer class worth over \$7 million in Delaney v. Enterprise Rent-A-Car Co., Docket No. OCN-L-1160-01 (Co-Lead Counsel), a \$4.5 million settlement for a New Jersey consumer class in DeLima v. Exxon, Docket No. HUD-L-8969-96 (Co-Lead Counsel), and an unprecedented settlement in a class action involving a merger, Rubin v. Mercer Insurance Group, Inc., et al., Docket No. MER-C-102-10 (Co-Liaison Counsel), which afforded stockholders the opportunity to review forward looking financial information of the company, thus allowing shareholders to make a more informed decision concerning the merger.

A 1982 graduate of the Columbia University School of Law, Mr. Greenberg clerked for Justice Daniel J. O'Hern of the Supreme Court of New Jersey for the 1982-83 Term. Before joining the firm, Mr. Greenberg was a partner at one of New Jersey's largest law firms.

Mr. Greenberg appears regularly in the appellate courts. He has argued thirteen times in the Supreme Court of New Jersey, three cases in the Third Circuit Court of Appeals, over 75 cases in New Jersey's Appellate Division, and one case in the Colorado Court of Appeals. Over 40 of his cases have resulted in published, precedential opinions, including major decisions on class

actions, mass torts, zoning and land use, restrictive employment covenants, real estate brokerage, and other topics.

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Among his many other publications, Mr. Greenberg is the author of the chapter entitled "Supreme Court Review" in *New Jersey Appellate Practice Handbook* (New Jersey ICLE), coauthor, with Susana Cruz Hodge, of the chapter entitled "Class Action Litigation" in *New Jersey Federal Civil Procedure* (NJLJ Books (1st ed. 1999 and annual supplements)), and author of "Keeping the Flies Out of the Ointment: Restricting Objectors to Class Action Settlements," 84 St. John's L. Rev. 949 (2010). That and other law review articles that he has written have been cited with approval by the Supreme Court of New Jersey, the Appellate Division, and federal and state courts in other jurisdictions. Mr. Greenberg has lectured on class actions for both New Jersey and Pennsylvania CLE, and he delivered the 27th Annual Evangelides Memorial Lecture at Rutgers University's Eagleton Institute on the topic "Class Action Litigation: Who Benefits?" He has served as an expert witness on attorneys' fees in class actions and Chancery litigation and has also spoken on civil trial preparation, appellate practice and other subjects. Mr. Greenberg also writes the New Jersey Appellate Law blog, http://appellatelaw-nj.com, New Jersey's foremost appellate blog, since 2010.

Mr. Greenberg belongs to the New Jersey State Bar Association ("NJSBA") and was Chair of the Association's Appellate Practice Committee from 2004-2006. He is a past Co-Chair of the NJSBA's Class Actions Committee, a position he held from 2008-2016. From 1991-2006, Mr. Greenberg was a member of the Supreme Court of New Jersey Committee on Character. He was also one of the founding members, and a past Chair, of the New Jersey Law Firm Group, a consortium of major law firms to advance hiring of minority lawyers.

Mr. Greenberg has been named to the "New Jersey Super Lawyers" list, for "Appellate Practice," in *New Jersey Monthly* magazine every year since 2005, when that list was first published, and has twice been named to the "New Jersey Super Lawyers" Top 100, most recently in 2020. Mr. Greenberg has been listed in "Best Lawyers in America®" each year since 2019 for "Appellate Practice." He was also named a Fellow of the American Academy of Appellate Lawyers, one of only four New Jersey lawyers who are so designated. Mr. Greenberg was also listed in ALM's 2012 "New Jersey Top Rated Lawyers," under "Commercial Litigation." Mr. Greenberg has an "AV" rating from Martindale-Hubbell.

VICTOR A. AFANADOR (Newark Office) chairs the litigation and trial practice group for civil and criminal cases. His experience includes private and public entity litigation including but not limited to tort liability defense, employment related defense of CEPA and LAD matters, police related state and federal civil rights defense, condemnation and redevelopment law, complex commercial litigation, and criminal defense. His experience includes trial, oral advocacy and settlement negotiations before the New Jersey Office of Administrative Law, the Superior Court of New Jersey in various vicinages, the Appellate Division, the United States Court for the District of New Jersey, the United States Third Circuit Court of Appeals and the Supreme Court of the United States. In addition, Mr. Afanador served from September 1999 through May of 2005 as Deputy Director of Law for the City of Perth Amboy. In that capacity, he provided counsel to the Mayor, the City Council, and City department directors on legal matters.

Mr. Afanador has successfully tried to verdict jury and bench trials in a myriad of matters. In addition to his trial work, Mr. Afanador has also applied his investigative skills in the class action area. He interviewed Spanish-speaking employees and prepared a report for the Court as

part of the firm's responsibilities as Class Administrator for an employment discrimination class action.

Mr. Afanador clerked for Judges Mathias E. Rodriguez and Frederick P. DeVesa, Superior Court of New Jersey, Law Division Criminal Part, in Middlesex County from 1998-1999.

Mr. Afanador was appointed by the Essex County Executive in September of 2005 to serve as a Commissioner on the Essex County Board of Public Utilities. He is a member of the Association of the Federal Bar of the State of New Jersey (Immediate Past President), Seton Hall University School of Law Alumni Association (Past President), New Jersey State Bar Association, the Essex County Bar Association, and the Hispanic Bar Association of New Jersey. He was admitted into the American College of Trial Lawyers as a Fellow in 2023. He is also a proud 2003 Graduate of the Leadership Newark Fellowship Program and has served on the African Globe Theatreworks Board of Directors, a professional theater company based in Newark, New Jersey.

Mr. Afanador was designated a Rising Star in May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *Super Lawyers* and has been selected as a Super Lawyer every year since 2016 through 2024. He was also named to the "40 Under 40" issue by the New Jersey Law Journal in 2010.

SUSANA CRUZ HODGE (Newark Office) is a member of Lite DePalma Greenberg & Afanador, LLC and focuses her practice on class actions. Her primary focus is on product liability and consumer fraud cases. Ms. Hodge has participated in numerous consumer cases, including *Cole v. NIBCO, Inc.*, No. 13-CV-07871 (D.N.J.), a case involving defective plumbing piping, tubing and fixtures that resulted in a nationwide consumer settlement worth \$44 million; *Schwartz v. Avis Rent a Car System, LLC*, No. 11-4052 (D.N.J.), a case involving fraudulent fee charges that resulted in a nationwide consumer settlement worth up to \$13 million; *In re Shop-Vac Marketing*

& Sales Practices Litig., No. 4:12-MD-2380 (M.D. Pa.), a case involving misrepresentation of the peak horsepower of wet/dry vacuums that resulted in a nationwide settlement fund valued at \$174 million; and *Mendez v. Avis Budget Group, Inc.*, No. 11-cv-6537 (D.N.J.), a case involving the misrepresentation of toll charges that resulted in a settlement of \$45 million on behalf of a nationwide class of over 10 million consumers.

Recently, Ms. Hodge was appointed co-lead counsel in *In re Plum Baby Food Litigation*, No. 4:21-cv-00913 (N.D. Cal.), a multi-state class action filed on behalf of purchaser of Plum baby food products alleged to contain heavy metals and perchlorate. Ms. Hodge was also appointed as a member of the Executive Committee in *In re Robinhood Outage Litigation*, No. 20-01626-JD (N.D. Cal.), which was filed on behalf of users of Robinhood's trading platform. Ms. Hodge was also actively involved in representing plaintiffs in several consumer class actions involving heavy metals, BPA, and other contaminants and toxins in food, including, *Zeiger v. WellPet LLC*, No. 3:17-cv-04056 (N.D. Cal.), where a class of California dog food purchasers was recently certified.

Ms. Hodge also represents individual parties in general business disputes arising from breach of contract and fraud, as well as employment-related issues. In her capacity as a commercial litigator, Ms. Hodge represented a major food and beverage company in recovering millions of dollars fraudulently converted in a Ponzi scheme. She has also represented a struggling local business in closing its doors without filing bankruptcy, which involved negotiating settlements with nearly 100 creditors and successfully pursuing claims against various debtors. Ms. Hodge has investigated, negotiated, and litigated claims by subcontractors and material suppliers in a range of construction-related contractual disputes. Ms. Hodge has also filed and defended commercial and residential construction liens, and payment and performance bond surety claims in cases

involving public and private construction projects, and represented developers in breach of contract actions.

Ms. Hodge has briefed and argued before the United States Court of Appeals for the Seventh Circuit, the U.S. District Court for the District of New Jersey, and the New Jersey Superior Court. Ms. Hodge has also participated in appeals to the United States Court of Appeals for the Third, Seventh, and Ninth Circuits, as well as to the Appellate Division of the New Jersey Superior Court involving constitutional and employment law, rent control, and commercial leasing issues.

Ms. Hodge was one of the first attorneys in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and has participated in several pro bono matters. Notably, Ms. Hodge represented an individual in an emergency application to the New Jersey Appellate Division, which led to the client avoiding eviction, and secured a dismissal of a temporary restraining order in another matter that would have imposed automatic prison time for her client.

Ms. Hodge is co-author, with Bruce D. Greenberg, of the chapter entitled "Class Action Litigation" in New Jersey Federal Civil Procedure and has been a panelist in various seminars such as "Significant Developments in Class Actions," hosted yearly by the New Jersey Institute for Continuing Legal Education, and "The Evolving Nature of Class Actions," hosted by New Jersey State Bar Association.

Ms. Hodge is a graduate of Boston College (2001) and Boston College Law School (2005). Prior to joining private practice, Ms. Hodge clerked for the Hon. Thomas J. LaConte, Superior Court of New Jersey, Passaic County. She also taught Legal Writing at Seton Hall University Law School to first year law students prior to joining Lite DePalma Greenberg & Afanador, LLC. Prior to attending law school, Ms. Hodge taught Portuguese, English, and math to young students in Rio

de Janeiro, Brazil, as part of Projeto Unicom Rocinha, a Brazilian non-profit organization. Ms. Hodge was named as a "Rising Star" in *New Jersey Monthly* magazine from 2014 to 2019 and has since been named to the "New Jersey Super Lawyers" list every year.

MINDEE J. REUBEN (Philadelphia Office) is a Member of the firm and is resident in the firm's Philadelphia office. Ms. Reuben represents plaintiffs across the country in a broad range of antitrust and consumer class action matters, regularly serving as lead, co-lead and liaison counsel and as a member of case-management committees in high-profile, multi-jurisdictional litigation. Super Lawyers and Philadelphia Magazine have repeatedly named Ms. Reuben as one of Pennsylvania's and Philadelphia's top lawyers in the field of antitrust, as well as one of the top 50 Women Super Lawyers overall in the state. Mindee has also been recognized in The Best Lawyers in America for her work in Antitrust Law and Litigation – Antitrust and in Chambers USA.

Ms. Reuben is currently involved in several plaintiff class action antitrust matters and has leadership roles in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.) and *Cornish-Adebiyi v. Caesars Entertainment, Inc.*, No. 23-cv-2536 (D.N.J.). Representative antitrust matters in which Ms. Reuben has had leadership or other significant roles include: *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.) (co-lead and liaison counsel, \$130 million settlement); *In re Blue Cross Blue Shield Antitrust Litigation* (Subscribers), No. 13-cv-20000 (N.D. Ala.) (trial plan committee, \$2.67 billion settlement); *In re Broiler Chicken Antitrust Litigation* (Direct Purchasers), No. 18-cv-8637 (N.D. Ill.) (deposition and trial teams, \$284 million settlement); and *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio) (executive committee, \$147,000,000 settlement).

Ms. Reuben serves as liaison counsel in the data breach matter of *In re Wawa, Inc. Data Security Litig.*, 19-cv-6019 (E.D. Pa.) (settlement pending). Ms. Reuben has also served as class counsel in federal and state consumer class actions, including *Fritzinger v. Angie's List*, Case No. 12-cv-1118 (S.D. Ind.) and *Stone v. Stewart Title Guaranty Co.*, Philadelphia Court of Common Pleas, June Term, 2006, No. 2003 (consol. under *Cummings v. Stewart Title Guaranty Co., et al.*, Philadelphia Court of Common Pleas, March Term, 2005, No. 747) (Glazer, J.), both of which resulted in favorable settlements for the class. At the final approval hearing in *Stone*, the court noted that "counsel really did an extraordinary job."

Ms. Reuben is actively involved with the Philadelphia Bar Association, having served as Vice Chair of the Association's Bench Bar and Annual Meeting and as Chair of its Women's Rights Committee. Her work on the Women's Rights Committee focused on human trafficking in the United States and resulted in the Association's Board of Governors passing a Resolution in Support of Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). She is also a member of the Federal Courts Committee, Women in the Profession Committee and Business Law Section.

Ms. Reuben is a founding member of Women Antitrust Plaintiffs' Attorneys, a national organization of women who focus their practices on cartel and other anticompetitive cases. She has been appointed to serve in various leadership roles and on task forces in American Bar Association, and appointed to be a judge in the ABA regional moot court competition held in Philadelphia. Ms. Reuben is also a Lecturer in Law for legal writing for the LL.M. program at the University of Pennsylvania School of Law. She previously served as an Adjunct Professor of Law at the James E. Beasley School of Law of Temple University.

Ms. Reuben has contributed to numerous comprehensive legal publications, and has spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure. Most recently, Mindee was a panelist for the ABA Civil Practice and Procedure Section of Antitrust Law speaking on "Antitrust Class Action Program Series: Class Action Killer or Business as Usual? -- Rule 23(b)(3) and the Predominance Requirement" and a panelist for the ABA Section of Litigation's "Rules Roadshow," on the topic "Precision Advocacy: Reinventing Motion Practice to Win" in Philadelphia.

After earning her J.D. and M.P.A. from the University of Pittsburgh, Ms. Reuben served as a law clerk for the Honorable Frank J. Montemuro, Senior Justice of the Supreme Court of Pennsylvania.

ALLEN J. UNDERWOOD II (Newark Office) is a seasoned corporate, commercial and bankruptcy attorney who serves as outside general and special counsel to public and private manufacturing, trading, lending and service providers. His corporate and commercial career has as its foundation many years of intensive representations of creditors, debtors, committees and trustees in federal bankruptcy and state law debtor/creditor matters. Representing a distressed entity in workout, forbearance, reorganization (either inside or outside of bankruptcy), wind-down or liquidation requires certain confidence, experience and mettle. These same characteristics are required when representing companies in strategic growth phases, commercial negotiations and, where unavoidable, civil litigation. Mr. Underwood's extensive experience counseling clients at their best of times and their worst of times enables him to provide fast and efficient advice on the executive level. Mr. Underwood holds a Bachelor of Arts Degree in both History and Creative Writing from Hamilton College in Clinton, New York. He holds a Juris Doctorate from the Seton Hall University School of Law. He was law clerk to the Honorable Edward V. Torack, J.S.C.

Mr. Underwood is chair of the firm's Corporate, Commercial and Bankruptcy Department. This practice, by definition, encompasses diverse areas of state and federal law, something he both relishes, and emphasizes when describing his work with clients. In the Chancery and Law Divisions, Mr. Underwood has represented corporate and individual plaintiffs and defendants in breach of contract, common-law fraud and breach of fiduciary duty matters, employment cases, and all manner of commercial actions. In the bankruptcy courts, Mr. Underwood has represented a multitude of corporate bankruptcy creditors on administrative, secured, priority and unsecured claims, with many of these matters involving complex issues of securitization, priority, setoff, recoupment, reclamation and possession of collateral. These matters frequently involve related issues (difficult in their own right) of purportedly preferential or fraudulent transfers, demands for turnover, alleged unauthorized pre- or post-petition transfers, assumption and rejection, and the like. Issues of guaranty and indemnity, whether as to principal, corporations, or construction and insurance entities, have likewise proliferated in recent years. Mr. Underwood has also represented creditors in numerous healthcare-related bankruptcies, including in most of the major hospital bankruptcies filed in New Jersey over many years.

In bankruptcy and insolvency matters, Mr. Underwood's ethos for creditors is to minimize costs while maximizing leverage and recovery. The ability to achieve this, time and again, is the product of efficiency, hard work and experience. That same ethos characterizes his efforts in commercial and transactional matters.

Mr. Underwood is admitted and frequently practices in the state courts of New York and New Jersey, and the Federal District and Bankruptcy Court in New Jersey, as well as the Federal District and Bankruptcy Courts in the Southern, Eastern and Western Districts of New York. Mr. Underwood is also admitted in the District of Columbia, and from time to time as necessary has

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been admitted pro hac vice before the United States Bankruptcy Court for the District of Delaware. Notable bankruptcy matters over the years are many, but include: representation of personal injury and wrongful death plaintiffs as creditors in multiple Delaware nursing home and healthcare-related bankruptcies; representation of insurance entities in numerous New Jersey bankruptcies on every aspect of coverage, from pre-filing negotiations to cash collateral and budget treatment, claims filing, plan confirmation, assumption and rejection, claims objections, and defense of avoidance actions; representation of commercial lenders in New York and New Jersey bankruptcies on secured claims; representation of a New Jersey city as creditor of a major real estate development in Chapter 11, and a complex settlement enabling resolution of takings claims, debtor refinance and project completion, maintenance and beneficial modification of the redevelopment plan, a confirmed Chapter 11, and ultimately a successful project that amplified revenue and regenerated a blighted area, representation of a manufacturer of factory equipment in Delaware bankruptcies on reclamation, administrative and unsecured claims related to immediate pre-bankruptcy factory renovations, and product and work supplied thereto.

Notable non-bankruptcy court litigations include: summary judgment for a plaintiff pension fund on dispositive motion as to multiple conveyances under the Uniform Fraudulent Transfers Act; settlement and payment following litigation to judgment on equipment shipped to Iraq but not paid for in full; settlement of trust and estate litigation in the Chancery Division alleging fraud and defalcation in fiduciary capacities by trustee and executor.

In addition to the above litigation, Mr. Underwood has always simultaneously represented individuals, and public and private corporations (with a distinct preference for closely held businesses) on the panoply of issues that arise for businesses. Notable corporate representations include: reorganization of a deadlocked non-profit and conversion of same to a for-profit entity,

with continuing corporate general representation; corporate reorganization of all U.S. subsidiaries of a major manufacturer, streamlining corporate structure and operations, reducing overall costs, and deriving operation and tax benefit thereby, with continuing corporate general representation on all matters; negotiations with the Pension Benefit Guaranty Corporation, resulting in a successful resolution regarding legacy subsidiary plan underfunding due in large part to market fluctuations; internal reorganization of a deadlocked business closely held by multiple generations of multiple families, streamlining of operations, and continuing corporate general representation on all matters.

Notable discrete corporate and commercial transactions include: negotiation and documentation of oil- and gas-related manufacturing supply and service contracts involving the supply of equipment and coordinated projects to public companies and state-owned entities in the state of Texas and in Brazil, Mexico, Romania, Tajikistan and many places in between; negotiation and documentation of supply contracts for equipment manufactured for U.S. government and military use; routine negotiation and documentation of agreements for the supply of curated data and information from licensed sources.

Mr. Underwood speaks frequently on bankruptcy and commercial matters at private client seminars, and events sponsored by the New Jersey State Bar Association/New Jersey Institute for Continuing Legal Education (NJICLE), the American Bankruptcy Institute, and other industry organizations. In 2014, Mr. Underwood received from Martindale-Hubbell® Peer Review Ratings™ a Peer Review Rating of AV® Preeminent™ in Bankruptcy, Insolvency and Creditor's Rights. This is the highest rating obtainable. In 2011, he was named to the New Jersey Law Journal's top "40 Under 40" List. Mr. Underwood is a member of the American Bankruptcy Institute, the Turnaround Management Association, The Association of Commercial Finance

Attorneys, Garden State Credit Associates, and the New Jersey Bar Association, among other organizations, and he remains an associate member of the Bergen County Bar Association.

COUNSEL

STEVEN J. GREENFOGEL (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Throughout his over fifty-year career, Mr. Greenfogel has specialized in class action antitrust litigation, including many of the most significant multidistrict class action price fixing cases of modern times. He has served as Co-Lead Counsel in *In re Chain* Link Antitrust Litigation, Master File CLF-1 (D. Md); In re Industrial Silicon Antitrust Litigation, 95-2104 (W.D. Pa) (which he tried to verdict), In re Isostatic Graphite Antitrust Litigation, No. 2000-cv-4965 (E.D. Pa); and Gordon v. Amadeus IT Group, S.A., 15-cv-03457-KPF (S.D.N.Y.). Mr. Greenfogel also served as one of the main trial counsel as well as co-chairman discovery in In re High Pressure Laminates Antitrust Litigation, No. 00-MD-1368(CLB) (S.D.N.Y.) (tried to verdict) and In re Carbon Dioxide Antitrust Litigation, MDL 940 (M.D. Fla) (settled after jury selection). In addition to being Co-Chairman of Discovery in In re Infant Formula Antitrust Litigation, Master File No. MDL 878 (N.D. Fla), Mr. Greenfogel served as one of plaintiff's trial counsel (settled after jury selection). He has served as a member of Plaintiffs' Executive Committee in numerous cases, including: In re Municipal Derivatives Antitrust Litigation, MDL 1950 (S.D.N.Y. 2008); In re Static Random Access Memory (SRAM) Antitrust Litigation, cv-1819 (N.D. Cal 2007); and In re Publication Paper Antitrust Litigation, MDL 1631 (D. Ct. 2004). Mr. Greenfogel has also played a major role in numerous other multidistrict antitrust class actions, including: O'Bannon v. National Collegiate Athletic Ass'n, et al., 4:09-cv-3329 (N.D. Cal 2009) (member of Plaintiff's trial team and co-chairman of discovery); In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL 1827 (N.D. Cal 2006); In re Direct Random Access Memory (DRAM)

Antitrust Litigation, No. 02-cv-01486-OHG (N.D. Cal 2002); In re NASDAQ Market Makers Antitrust Litigation, MDL 1023 (S.D.N.Y.) (chairman of discovery); In re Brand Names Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.); In re Commercial Tissue Antitrust Litigation, MDL 1189 (N.D. Fla); In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla); Cumberland Farms v. Browning Ferris Industries, Inc., A.A. No. 87-3717; Superior Beverage/Glass Container Antitrust Litigation, 89 C 5251 (N.D. Ill.); In re Chlorine & Caustic Soda Antitrust Litigation, 86-5428 (E.D. Pa); In re Records & Tapes Antitrust Litigation, No. 82 C 7589 (N.D. Ill.); and In re Broiler Chicken Antitrust Litigation, No. 18-cv-8637 (N.D. Ga).

Earlier in his career from 1977 to 1980, Mr. Greenfogel served as an Assistant Attorney General in the Commonwealth of Massachusetts and was the first Chief of its Antitrust Division. He was the author of the Commonwealth's Antitrust Law (M.G.L. 93). During that time, he was a panelist at the New England Antitrust Conference in Boston as well as speaking on antitrust matters at various venues in Massachusetts.

Mr. Greenfogel served as a member of the Board of Trustees of Camden County College from 2000 through 2017, having been appointed to that position by Governors Whitman, McGreevy and Corzine. He has been selected fourteen times as one of the Top Attorneys in Pennsylvania by *Philadelphia Magazine* and has an "AV" rating from Martindale Hubbell.

CATHERINE B. DERENZE (Newark Office) is Counsel with the firm. Catherine plays a significant role in a diverse range of class action matters at the firm, including antitrust, consumer, and data breach litigation. Representative matters include: *In re Samsung Customer Data Security Breach Litig.*, No 23-md-3055 (D.N.J.) (appointed liaison counsel); *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 19-md-2904 (D.N.J.); *Cornish-Adebiyi v. Caesars Entertainment, Inc.*, No. 23-cv-2536 (D.N.J.); *In re Wawa*,

Inc. Data Security Litig., No. 19-cv-6019 (E.D. Pa.); In re: Hard Disk Drive Suspension Assemblies Antitrust Litig. ("In re HDD"), 19-md-02918 (N.D. Cal.); In re: Generic Pharmaceutical Pricing Antitrust Litigation, No. 16-md-2724 (E.D. Pa.); and In re Plum Baby Food Litig., 1:21-cv-2417 (N.D. Cal.). She is heavily involved in discovery and motion practice and is developing a burgeoning appellate practice. Notable successes include defeating motions to dismiss in an antitrust matter, In re HDD, and a data breach matter, In re AMCA, and successfully briefing and arguing before the New Jersey Supreme Court on behalf of amici in DiFiore v. Pezic, 254 N.J. 212 (2023). She also provides research and writing assistance to new associates at the firm.

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Ms. Derenze is a graduate of the College of the Holy Cross (2013) and Seton Hall University School of Law (2018). She is a member of the bars of the State of New Jersey and the Federal Bar of New Jersey. Ms. Derenze is also a member of the New Jersey Bar Association and is currently serving for her second year as the co-chair of its Appellate Practice Committee. Before joining LDGA, Ms. Derenze clerked for the Honorable Heidi Willis Currier, J.A.D., of the Appellate Division of the New Jersey Superior Court. Prior to that, she served as an extern to the Honorable Patty Shwartz, of the United States Court of Appeals for the Third Circuit.

In 2023 and 2024, Ms. Derenze spoke on recent trends in class action litigation for the New Jersey Institute for Continuing Legal Education ("NJICLE") and the New Jersey State Bar Convention, and has spoken for NJICLE several times on appellate practice. She was also named as a "Rising Star" for "Appellate Practice" on the 2024 "New Jersey Super Lawyers" list.

ASSOCIATES

ANTHONY ZATKOS (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey and the United States District Court for the District of New Jersey in 2002 and the bar in New York in 2003. He is a graduate of Seton Hall University (B.S., Mathematics 1996) and the Seton Hall University School of Law (J.D. 2002).

Early in his legal career, Mr. Zatkos practiced personal injury and civil rights law in New York City, as well as family law in New Jersey. He also served as a contributing writer and editor on The Yudes Family Law Citator, published each year by the New Jersey Institute of Legal Education. Since that time, his focus in practice has been electronic discovery, where Mr. Zatkos has learned the nuances of this growing field. With this experience, he has worked on cases covering a myriad of matters, including pharmaceutical patents, mergers, due diligence, residential mortgage-backed securities, anti-trust, bankruptcy, fraud, contract, and, most recently, class action. Prior to joining the firm, Mr. Zatkos worked directly with firm members on several class-action matters.

JOSHUA S. KAUFMAN (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New York in 2020 and is admitted to both the United States District Courts for the Southern and Eastern District of New York. He is awaiting admission to the bar in New Jersey. He attended Baruch College (B.A. in Political Science 2012) and Brooklyn Law School (J.D. 2019). Prior to joining the firm, Mr. Kaufman served as an Assistant Corporation Counsel with the New York City Law Department in the Special Federal Litigation Unit. Mr. Kaufman also interned for former United States Magistrate Judge Lisa Margaret Smith, in the Southern District of New York.

NICHOLAS R. McCLELLAND (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2018 and is also admitted to practice in the United States District Court for the District of New Jersey. He attended Syracuse University (B.A. in Philosophy and Political Science 2015) and Seton Hall Law School (J.D. 2018). Following

law school, Mr. McClelland served as Judicial Law Clerk to the Honorable Alan G. Lesnewich, J.S.C., of the Superior Court of New Jersey, Union County. Prior to joining LDGA, Mr. McClelland was engaged in the practice as a civil litigation associate at a regional law firm based in Monmouth County.

CONNOR T. WRIGHT (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2022. Prior to joining the firm, Mr. Wright held a clerkship position with the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Family Division. He obtained his J.D. from Rutgers Law School (Newark) in 2021. Prior to graduation, Mr. Wright interned for the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Criminal Division, for two years. Mr. Wright was also an in-house legal intern for PIM Brands, Inc., and for Celldex Therapeutics, Inc., where his focus was primarily on intellectual property litigation and FDA compliance. He graduated from James Madison University in 2018 with a Bachelor's degree in Political Science.

NICOLE A. FLYNN (Newark Office) is an associate with the firm in our Newark office. She was admitted to the bar in New Jersey in 2023. Ms. Flynn returned to LDGA in September of 2023 after working as a law clerk at the firm in the summer of 2022. During law school, Ms. Flynn worked as a legal intern for Advocates for Children of New Jersey in Newark. She graduated from Rutgers University with a Bachelor's Degree in History and a Master's Degree in Education. Ms. Flynn earned her Juris Doctor from Seton Hall School of Law, where she was in the part-time program. While in law school, she taught full-time at a middle school in Bergen County.

Exhibit G

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CRITCHLEY KINUM & LURIA

Firm Overview

CKL devotes its practice primarily to complex civil litigation, white-collar matters, securities litigation, and class action litigation. CKL represents individuals and institutional clients at all levels of the Federal and State courts.

Our attorneys have substantial trial experience. Our reputation as aggressive advocates inside and outside the courtroom is well known in the legal community. This reputation, which has been built over 45 years of practice, ensures that our clients will receive the best possible representation available.

CKL's litigation prowess has been recognized in numerous legal publications. CKL was recently named by US News and World Reports as a Tier 1 law firm among the Best Law Firms in New Jersey. CKL has also been recognized in various legal publications as "stunning trial lawyer[s]" with a "colossal reputation" handling "the most complex cases" and the top firm to call "if [U.S. Attorneys' Office] comes-a-knocking." Publications have also recognized "when the powerful get in trouble, they turn to [CKL]" because of its "'truly outstanding presence' in the courtroom as a result of [their] track record."

CKL attorneys are members of several of the leading professional trial organizations in the country and have received numerous recognitions for professional excellence. For example, Michael Critchley, Sr. is a member of the American College of Trial Lawyers, the American Board of Criminal Lawyers, and is the past president and founder of the Seton Hall University Law School Inn of Court. Mr. Critchley, Sr. has also received numerous recognitions and honors for his professional accomplishments including an AV rating by Martindale Hubbell and being named as a Top 100 SuperLawyer in New Jersey.

Notable Cases

In re National Opioid Prescription Litigation- CKL represents several municipalities and county governments in litigation concerning the opioid crisis

Liquid Aluminum Sulfate Antitrust Litigation (D.N.J.)-CKL served on the steering committee in this case alleging price fixing among chemical suppliers.

FieldTurf Artificial Turf Marketing and Sales Practices Litigation (D.N.J.)- CKL served on the Executive Committee in this pending litigation alleging fraudulent marketing of turf fields.

Nasdaq, Inc. v. Miami International Holding (D.N.J.)- CKL represents large stock exchange in this pending litigation alleging theft of trade secrets.

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IQVIA v. Veeva Systems (D.N.J.) – CKL represents Plaintiff, a multi-national, publicly traded health care information and technology company in case alleging theft of trade secrets.

Care One Management, LLC, et al. v. United Healthcare Workers East, SEIU 1199, et al. (D.N.J)- CKL currently represents plaintiff Care One in a Civil Rico matter presently pending in Federal District Court for the District of New Jersey related to the use of extortion and other tactics as a "corporate campaign" employed by labor unions.

Gregg v. Cooley LLP (N.J. Sup. Ct.)- CKL serves as co-counsel representing a large international law firm in a malpractice action involving a pharmaceutical company.

Merck Sharp & Dohme v. Bristol Myers Squibb (D.N.J.)-CKL served as co-counsel for Defendant/Counter-Claimant Bristol Myers Squibb in patent infringement case related to anti-PD-1 immunotherapy treatment for cancer.

Mylan Pharmaceuticals v. GlaxoSmith Kline Beecham (D.N.J.)-CKL served as cocounsel for Plaintiff Mylan Pharmaceuticals and secured a \$106 million verdict in a breach of contract case in Federal District Court in New Jersey.

In re Mylan Pharmaceuticals (D.N.J)- CKL represented Mylan as co-counsel in numerous patent matters pending in the Federal District Court for the District of New Jersey. These cases involved Abbreviated New Drug applications for United States generic drug approval for existing approved drugs.

Hu v. BMW of N. Am. LLC, (D.N.J.) - CKL served as co-counsel to defendant Bosch in this case involving allegations of RICO violations, along with various state law fraudulent concealment claims and claims for violations of various state law consumer protection laws.

Care One Management, LLC, et al. v. United Healthcare Workers East, SEIU 1199, et al. (D.N.J)- CKD currently represents plaintiff Care One in a Civil Rico matter presently pending in Federal District Court for the District of New Jersey related to the use of extortion and other criminal and fraudulent tactics as a "corporate campaign" employed by labor unions.

Johnson v. Worldview Entertainment (NYS Supr Ct.) - CKD represented several film production companies in this matter alleging film production companies fraudulently induced an investor to invest in various film funds and negligently managed production of several films.

Fairfax Financial v. Contogouris et. al. (N.J., Sup. Ct.), CKD represented, and obtained a favorable resolution for, a key defendant, in a \$6 Billion Civil Rico matter brought by a Canadian Insurance Company against leading Hedge Funds alleging the hedge funds conspired to the drive company out of business through a scheme to short the company stock. Matter involved extensive discovery including over 100 depositions, over 100 discovery and dispositive motions and millions of documents exchanged between the parties

Axelrod v. Central Garden and Pet (N.J. Sup. Ct.)-CKD represented Defendant CEO in four month trial and obtained no cause against its client and obtained \$25 million judgement against Plaintiffs on counterclaim.

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In re Commerce Bank (E.D.P.A)- CKD served as lead counsel for publicly traded Bank in multiple parallel investigations conducted by United States Attorney for the Eastern District of Pennsylvania, SEC, OCC and Federal Reserve related to allegations of corruption and self-dealing. CKD coordinated the defense with numerous law firms representing individuals and entities. No action was taken against institution.

<u>In re Cooper Health Systems (D.N.J)</u>- CKD served as lead counsel and negotiated settlement for large NJ Health System in investigation conducted by United State Attorneys' Office and State of New Jersey related to alleged improper payments to doctors for referrals to Cardiac Unit.

In re Beacon Hill Asset Management (D.N.J.)-Successfully avoided criminal charges and negotiated civil settlement for senior executive of Hedge Fund under investigation by United States Attorneys' Office for the District of New Jersey and SEC for fraud and insider trading following the collapse of fund specializing in trading complex fixed income instruments resulting in \$300 million loss.